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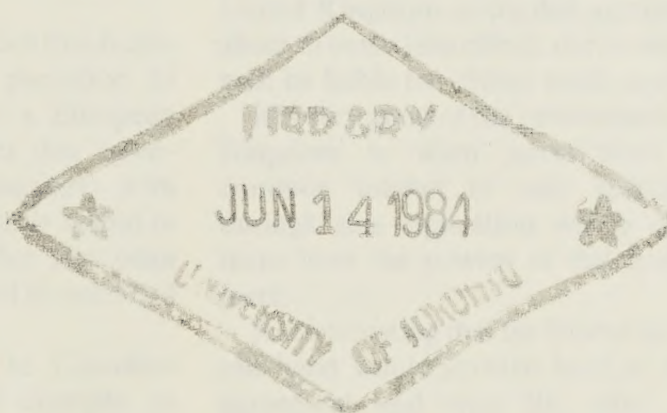




# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Fourth Session, 32nd Parliament**

Thursday, June 7, 1984

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

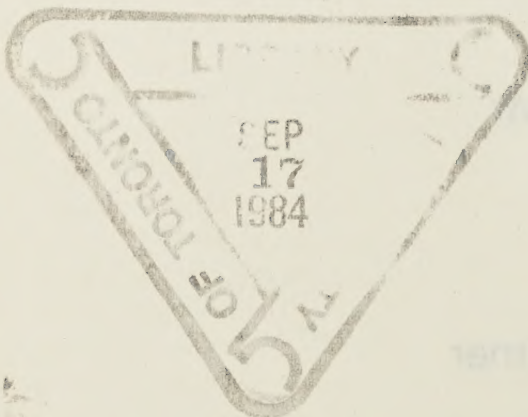


No. 65

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, June 7, 1984

The House resumed at 8 p.m.

## RECIPROCAL ENFORCEMENT OF JUDGMENTS (UK) ACT

Hon. Mr. McMurtry moved second reading of Bill 65, An Act respecting a Convention between Canada and the United Kingdom of Great Britain and Northern Ireland providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters.

**Hon. Mr. McMurtry:** Mr. Speaker, in my absence, the Solicitor General (Mr. G. W. Taylor) read a statement on first reading of Bill 65. It deals with rules. The convention codifies the rules that the courts will apply in recognition and enforcement of judgements.

Of significant importance is the fact that it also has the effect of neutralizing prejudice to Canadian interests resulting from a European common market agreement. Under that agreement, Canadian residents and companies with assets in Britain may have those assets seized to satisfy court judgements from other European countries which previously could not be enforced in Britain.

This result is very important to Canadian citizens with assets in Britain; for example, in cases where a judgement might be obtained in France or Italy in a court that would not normally be recognized as having any jurisdiction. Under a common market agreement, those judgements will now be enforceable in Britain.

This is of particular significance because of the assets in Britain of Canadian citizens. This is what is generally referred to as excessive jurisdiction. It is jurisdiction which, prior to this common market agreement, would not have been recognized in Britain or Canada.

To that extent, it is very important, to prevent the exercise of this excessive jurisdiction, to protect the interests of Canadian citizens doing business in Britain. At the same time, it codifies the recognition of judgements between the United Kingdom and Canada.

Similar legislation has been introduced in New Brunswick and Nova Scotia, and we expect it to be introduced in other provinces in the very near future.

**Mr. Nixon:** Mr. Speaker, perhaps you were not aware that I was our resident expert on international law. There are very few occasions when I have an opportunity to display that expertise, but I want to do so tonight.

I am always amazed and deeply impressed that the lawyers in this House, the government of Canada, the government of the United Kingdom and the European community could come to these conclusions in such an elaborate procedure.

As I understand it, the government of the United Kingdom has entered into an agreement with its fellow members of the European community whereby court orders hold sway in all the various jurisdictions. Since some of Ontario's residents may be doing business in the United Kingdom under this agreement which is about to come into effect, our residents may very well be liable for claims made against them.

It is very good of the government of the United Kingdom to warn jurisdictions out of the common market to take appropriate action through this legislation which would exempt them from the powers of that European agreement.

It is interesting that the United Kingdom on the one hand would involve itself in this European agreement and with the other remove any Canadian business person from involvement in the agreement itself.

I am glad to see it is in both official languages. I compliment the Attorney General (Mr. McMurtry) for that since it is an extension of a convention entered into by the government of Canada. That probably accounts for the fact that a good deal of it is en français.

We have no objection to this. Very few of the people we represent have elaborate business dealings in the European countries. If they do, we do not want them to be entailed in legal red tape that would cost them money and worry.

Since this does involve legislation of this House and of many European countries, the only appropriate way to proceed would be to strike a small committee with minimum staff. Then during the summer months, we would have an opportunity to go to the various European capitals and determine once and for all just how this convention might affect us.



Presumably it would be within the jurisdiction of this House to reject it. There has been no elaborate argument put forward by the Attorney General, or even the Solicitor General, who in his remarks referred to this as a highly technical area of the law. I construe that to mean he did not understand it either.

It would be awkward for this House to proceed without full knowledge of this matter. Perhaps second reading, but no more, would be appropriate. The Attorney General himself might very well lead a delegation, but not too large a delegation, with adequate staff, but not too much staff, to go to Westminster and move around to the European common market centres, particularly those areas where the governmental jurisdiction might be able to inform us more thoroughly of these matters.

Mr. Speaker, I know you would be interested in this. This is the sort of thing we ought to give serious consideration to. Unless we are very vigilant, the whole darned Legislature is going to be over there. The small group remaining might very well establish this committee and by so doing we could at least meet some of our friends.

**8:10 p.m.**

**Mr. Wildman:** Mr. Speaker, you may find it surprising I am carrying this bill for our caucus, being as learned in the law as I am known—

**Mr. Boudria:** Never apologize for not being a lawyer.

**Mr. Gillies:** There is nothing to apologize for yet.

**Mr. Wildman:** I want to indicate that in no way am I apologizing for not being a lawyer. What I am doing is calling attention to the most complimentary aspect of my career, the fact that I have never attempted or even wished to study law.

I am replacing my colleague the member for Riverdale (Mr. Renwick) in this debate. He is researching this convention in France. He is a veteran of the conflict between 1939 and 1945, had a very distinguished military career and is one of the people representing this House in the celebration of the anniversary of D-Day in Normandy. He is there on behalf of all of us. I am sure that while he is there, he is consulting with the Mitterrand government about the effect of this bill.

**Mr. Nixon:** I hear they are going to throw the socialists out. They are down to 10 per cent.

**Mr. Wildman:** Some people have suggested that he may be representing his former colleague from Hamilton Mountain with regard to legal

proceedings in Paris, but I am not certain that is the case.

Obviously we support Bill 65, which is an extension of a convention between the government of Canada and the government of the United Kingdom. It seems obvious that we should be doing all we can to enter into these kinds of reciprocal agreements, not only between the United Kingdom and this country and jurisdiction but also with jurisdictions that are more closely related in many business matters with Canada and Ontario. I am speaking in particular about the jurisdictions of our neighbouring states, such as New York and Michigan.

We should be seeking to enter such agreements to ensure that judgements reached in those jurisdictions which relate to residents of Ontario could be enforced and the same reciprocally, so that residents and business firms that are resident in the jurisdictions of New York and Michigan, or other American states, could also be subject to judgements enforced here in Ontario.

I will be interested in whether the Attorney General can explain what the status is of attempts to reach similar agreements with jurisdictions that may carry on more business with Ontario than the United Kingdom.

I do not have anything to add to that except to say that while I was tempted to express my views on the Northern Ireland situation in this debate, I thought I would leave that to the Attorney General, knowing his views on that issue. I hope he can explain what attempts are being made with regard to jurisdictions closer to home.

**Ms. Bryden:** Mr. Speaker, as my colleague has said, naturally we are supporting this bill to extend the reciprocal enforcement of orders made by courts so that when justice has been meted out it is actually enforced. I think we should have more reciprocal agreements where possible.

One of the reasons I am rising is to remind the Attorney General on this occasion that this bill may bring to his mind that he has promised stricter enforcement of maintenance orders for women who have not been able to collect from defaulting husbands.

I hope this convention will enable Canadian women to obtain their unpaid maintenance orders from people in the countries affected by this agreement, and I hope women in those countries will be able to obtain from Canadians who are defaulting on their orders their just due in the enforcement of maintenance orders.

I remind the Attorney General that he has promised to bring forward before the session



processes this month some indication of what kind of stricter measures he is going to bring in for the enforcement of maintenance orders generally in this province. I hope when we pass this bill tonight he will be reminded of that promise and that obligation.

**Hon. Mr. McMurtry:** Mr. Speaker, we have a number of reciprocal agreements with respect to the enforcement of maintenance orders with a large number of US jurisdictions. This particular convention does not apply to family law matters, but I agree the issue is important as far as reciprocal enforcement of maintenance orders is concerned. I cannot tell the honourable member the number of states with which we have entered into such agreements, but they are numerous.

With respect to the reciprocal enforcement of judgements generally, we have a rather elaborate set of rules already in force and there is very extensive common law with respect to recognition of judgements obtained in other jurisdictions.

Frankly, this legislation just codifies the existing common law that applies in relation to reciprocal enforcement of judgements vis-à-vis Canada and the United Kingdom. It really does not extend the law in that respect, but it was necessary to codify the law by legislation to protect Canadian citizens from the excessive jurisdiction that was created as a result of this European common market agreement.

One of the examples given is that a German court could assume jurisdiction in relation to a Canadian citizen in a matter simply on the basis that the Canadian citizen may have left an umbrella in a hotel in Hamburg and therefore would be considered to have assets in Germany. Under this rather interesting agreement, that would have given the German courts jurisdiction to deal with, say, a commercial lawsuit that would never have been recognized in Britain as far as enforcing a judgement or the seizing of assets is concerned, but because of this agreement that would be the result.

To that extent this important legislation brings into force, as far as Ontario is concerned, this convention that was reached between Canada and the United Kingdom to protect Canadian citizens against what is referred to as the excessive jurisdiction that has been conferred upon some of these European courts as a result of that agreement.

Motion agreed to.

Bill ordered for third reading.

## HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 45, An Act to amend the Highway Traffic Act.

8:20 p.m.

**Hon. Mr. Snow:** Mr. Speaker, I do not have any opening remarks. I made a statement on the introduction of the bill for first reading. It is sort of our annual coming to the table with a number of amendments to the Highway Traffic Act. I am prepared to answer questions any of the members may have with regard to the amendments.

**Mr. Nixon:** Mr. Speaker, we are certainly not opposing the bill on second reading. If I may suggest it, why can we not give it second reading and allow the House to go into committee so we can exchange views with the minister section by section rather than unloading the whole bit on second reading without his further comment except at the end? If we all agree to do that, it might be a more convenient way to deal with a bill of this nature.

**The Deputy Speaker:** Do all honourable members agree?

**Mr. Wildman:** Mr. Speaker, while we are in a general way in support of this bill, I want to express some concern regarding a provision in the bill changing the length of trucks. I want to express these views on second reading because of the very serious concern with which this proposal is viewed, especially in my part of the province in northern Ontario. While I will not go on at length about the other provisions of the bill, and I agree with my colleague the member for Brant-Oxford-Norfolk (Mr. Nixon) they might be better dealt with in committee in clause-by-clause consideration, I would like to deal with the principle of the lengthening of the allowable truck-trailer combinations.

It is suggested by the ministry that this proposal to increase the allowable length of highway vehicles from 21 metres to 23 metres is in the interests of safety. While we do not debate the statement that it may be safer as well as more energy efficient, and not only safer but probably more comfortable for drivers, I would raise the question of whether it is safe for the drivers of other vehicles, especially in northern Ontario where we obviously drive on highways that are not of the same standard as most of the highways in the southern part of the province. We do not have very many four-lane stretches of highway. In most cases, we do not have the volume of traffic that would warrant multi-lane highways.

As members from the area are fully aware and certainly those members who have visited northern Ontario—



**Mr. Nixon:** Point of order, Mr. Speaker: I want to bring to your attention that I made a suggestion that we might carry second reading and discuss this matter in detail in committee. Obviously, this does not meet the requirements of the critic for the New Democratic Party. We have some members who want to talk about truck length as well. With your permission, I think it ought to be our right to put that forward before the third party, and my colleague would like so to do.

**Mr. Ruston:** Mr. Speaker, Bill 45 does a number of housekeeping things. I am always a little suspicious of housekeeping amendments in a bill. Sometimes what one person calls housekeeping—some ladies clean their house once every spring and do a complete job and others do it three times a year. My wife sometimes does house cleaning and I end up putting in new carpets and everything. I am not sure I will accept it is just a housekeeping bill, largely because of the section dealing with the lengthening of the vehicles.

In dealing with a bill like this we should also deal with truck usage on our highways in general. I am one who drives a fair amount of mileage each year. Over the last 35 years I have averaged about 30,000 miles a year. That is quite a few miles and quite a bit of time on the road and I must say I wear out a lot of cars.

I do not know whether it is just me or not, but it seems the increased use of transports on the highways in the last couple or three years has been phenomenal. Only a couple of weeks ago I attended a baseball game in Detroit—I see the Premier (Mr. Davis) was there yesterday. When we came back after the 15th inning about 12:20 a.m.—it was not finished yet, but we left—we came across the Ambassador Bridge and there were more trucks on the bridge than cars. The trucks were in a special lane of their own and were lined up for quite a distance.

I worked on that bridge back in 1954 to 1964. I do not think I ever saw anything like that in the 10 years I was there. On our highways here too we see a great many more transports hauling merchandise.

I think we have to start addressing some of the questions involving safety factors in these vehicles. We should look at more than just their length. The new four-lane highways we are building are certainly an improvement for driving, but I have personally seen many truck accidents. I have a fairly large research report here on truck accidents throughout New York, Massachusetts, Oregon, Alberta and Ontario. I

would not want to take the time of the House to read it into the record, but there are some very important things in it with regard to truck accident rates. It does not read at all well, when one realizes the number of deaths that are caused by truck accidents.

Maybe we are going to have to start looking not only at the safety and construction of trucks and tractor-trailers, but also how to regulate driving hours. My understanding is that the pilots who get into a CP Air 747 and take 400 people with them are restricted as to how many hours they can fly. I understand those restrictions are policed very closely.

Contrast that with one who is driving a 65-ton or 70-ton vehicle down the highway. There really is no check to speak of, no restriction on the number of hours that person may drive, and that concerns me a great deal. I know some regulations have been made in the last few years with regard to certain restrictions on drivers who have had strokes, eye trouble or whatever. Some of these regulations have resulted in people losing their licences because of certain problems that have affected their health. There is no doubt that is necessary.

Another problem that concerns me is the number of truck accidents on cloverleafs. They can happen when a transport is going off the highway or coming back on, but mostly when they are going off. In most cases when the vehicle is exiting it is going downhill and its acceleration is greater. I think there are getting to be just too many trucks turning over on these cloverleafs.

**8:30 p.m.**

A number of different things are involved, including the type of load one is carrying. If one is carrying a load of livestock it is almost the same as driving a water tank truck. If one ever starts down the road with a tank truck half full of water he should be awfully careful where he is going or he will end upside down in the ditch. Livestock moves whichever way the truck moves.

There are many other things. Another one I have noticed, and I know they have had some trouble with it, is these trucks carrying beef where they run them in on the hangers right on the top. That truck is top-heavy. My goodness, the possibility of overturning on a cloverleaf or when you are coming off a ramp is very great, especially if you are driving just a little too fast.

There are a number of things that concern me a great deal with regard to the safety of transports on the highway. We just had a terrible accident



st Sunday on the Queen Elizabeth Way or the Gardiner Expressway in Toronto, and it held up traffic for eight hours. I know there is some possibility that charges will be laid. My understanding is we allow fruit trucks and similar vehicles to run on Sunday, but I am not sure that much of anything else should be allowed on the highways on Sunday with the amount of traffic that is on them.

We have had investigations and committees of the Legislature. The former member for York-ew, Mr. Young, was chairman of that committee a few years ago on the safety of trucks. Another name that rings a bell—I think it is stated somewhere someplace—is a professor or something of one of the universities who did some studies into that as well.

I am aware, too, of our new basis of distributing axle load. I was talking to a gentleman just last night in London. He has one of these carriers for transporting his bulldozer; he runs a construction business. He says if he puts a bulldozer on that truck to balance the weight over the axles in such a way as to come up to the highway standards for the weight on each axle, the front wheels are really hardly even touching the pavement and the driver just cannot steer. So after he gets off the weigh scales he has to pull off to a side road someplace and move the bulldozer so he can drive the blasted truck.

If you are doing that, how have you got control of the vehicle? Have you ever tried driving a tractor when you had too big a load on the back? You lift the front end up, and how do you steer it?

**Hon. Mr. Snow:** Absolutely opposite to what happens.

**Mr. Ruston:** That is not right, because I heard it last night right from the people who own and drive them and have been steering it?

**Hon. Mr. Snow:** Absolutely opposite to what happens.

**Mr. Ruston:** That is not right, because I heard it last night right from the people who own and drive them and have been doing so for years.

**Hon. Mr. Snow:** He has been giving you a bad piece of advice.

**Mr. Ruston:** He is not, because I called another one today, the dispatcher of a large transport company, and he told me the very same thing. They have to get the weight at the front of their trucks in order to have proper control of them.

The minister may think that, I do not know; maybe he drove transport semis and everything. I have never driven a transport, so I do not pretend

to know all about them. I have driven only stake trucks for many years, but I never drove transport semis. These are two people last night and today who both told me the very same thing, that this is one of the problems they are having.

The minister might tell me about that. I do not know how many of his inspectors and people involved in that are expert drivers of these semis and have first-hand knowledge of operating them on the highway, but I certainly have to doubt the minister is aware of all the problems there are.

I was talking about the axle weight, and how they are having trouble getting the tolerance under the axles. I also mentioned the centre bearing of the weight.

I realize the purpose of the minister's new length descriptions is to have the length extended—and we can discuss this more closely in the committee—on the condition that you are using the longer tractor. Naturally, I suppose that would be safer.

I was talking to a trucking company this morning that recently purchased a new tractor with sleeping accommodation, so this will give the extra length the company needs for that purpose.

I also read about places in other jurisdictions, such as Calgary and Edmonton, where 100-foot or longer tractors are being used. That would be equivalent to about 32 metres. They are also used in Quebec, where they are restricted to the four-lane highways. Our maximum weight here, if I understand it correctly, is 63,500 kilograms.

I raised this matter in 1981 or 1982, when I questioned the minister in the House about it one day. There was a request by the Ontario Trucking Association to have the vehicles lengthened to 100 feet or more; However, they intended to keep the weight at the same level of 140,000 pounds, or 63,500 kilograms.

These are some of the things I must say as a user of our highways. They are the problems people foresee with regard to the lengthening of these trucks and have brought to our attention.

Tailgating is always a problem on the highway and will be affected by the lengthening of these trucks. If the minister has driven along Highway 401 and decided to take his time, driving at 102 or 103 kilometres an hour, he may have noticed a big semi-tractor-trailer behind him within 20 feet of his trunk. I have found that happening to me. I have moved up to 112 kilometres to stay away from him, but if I want to drive at between 100 and 105 kilometres, the driver will almost push me off the road or I will have to slow up and let him go by.



We are talking about something very important when dealing with vehicles such as this. I have a great respect for the highway drivers of trucks of all kinds because I know most of them are well trained and courteous, but the minister should try driving down Highway 401 at 103 kilometres an hour and see how many trucks are almost in his trunk.

That is of great concern to me. I know it happens every day. The trucks are one reason my wife refuses to drive on the 401. Her speed is about 100 to 102 kilometres, although I drive a little faster, but we have to break the law in order to avoid being run over. It gets to that.

At the same time, I realize the transport of materials on our highways is very important. It is an economical way to transport goods. It is efficient and handy and we have to have it, but some of the things I have brought to the minister's attention are of concern to many people on the highway. They have a right to be on the road, too.

That is all I want to say right now. Those are some of my concerns.

**Mr. Wildman:** Mr. Speaker, I want to make it clear that in no way was I attempting to usurp the place of my colleague the member for Essex North (Mr. Ruston). I was quite interested in his comments.

I was concerned about specifically expressing on second reading our view with regard to the proposal to lengthen the truck-trailer combination.

**8:40 p.m.**

As I was saying earlier, the topography and the type of roads we have in northern Ontario raise some concerns with regard to this change. As the minister is well aware, in northern Ontario we have two main routes from the west to central Canada, to down east as we refer to it up in that area. They are Highway 17 and Highway 11.

Highway 17, the Trans-Canada Highway, has a large number of trucks travelling on it almost every day and particularly at night. With the lengthened combination, considering the fact that these highways are two lanes—they are not multilane highways in most cases, in nearly all the area except around Sudbury and perhaps in the immediate area of some of the other cities such as Thunder Bay and Sault Ste. Marie—and there are a lot of hills and curves, I think this can cause a real problem.

For a driver who gets behind one of these trucks or a convoy of these trucks, especially in the wintertime, even on a day when it is not snowing, it is like being in a blizzard. One cannot

see a thing and it is almost impossible to get around the trucks; and I am talking about those of the current length.

The passing distance between curves and hills in my riding, particularly on Highway 17 north of Sault Ste. Marie, is such that, especially in the winter time and at night, it is almost taking one's life in one's hands to try to pass. Because of the number of hills, the truck traffic travels at such a slow speed that if one does not pass there is a tremendous lineup behind the truck and the length of one's journey will be greatly increased.

We also run into the problem of people who take chances. There will be a long lineup behind a truck or a convoy of trucks and somebody will get impatient and pull out to pass a large number of vehicles when he or she does not have the space and sometimes will run into a very serious accident. I realize the ministry has attempted to deal with this problem by constructing truck climbing lanes on hills and passing lanes, and they are very welcome. They have improved the situation on Highway 17 and Highway 11 greatly. I in no way denigrate the efforts of the ministry to improve the safety and traffic flow along those highways by having passing lanes and truck climbing lanes, but even with them one still has a very difficult time getting around these trucks.

One of the problems now is that a lot of the trucks are travelling in convoys, as I said. In many cases these trucks do not maintain a good enough distance between them, although they are supposed to, to enable a car to pass safely, to get in between and travel safely between the trucks. That can result in a situation where the driver of the car attempts to pass two or three trucks at once and does not have enough room. That is quite dangerous. I wonder what the effect of lengthening the truck-trailer combinations is going to have in that kind of situation. I think it is going to make it even more dangerous.

I want to concur with the comments made by my colleague the member for Essex North about the length of time drivers are on the road. A lot of drivers appear to have been on the highway so long that they are fatigued to such a degree they do not drive safely. Obviously, we have to address that problem. I am not sure exactly how we are going to ensure that logs kept are accurate and that drivers are not travelling for such long hours they are dangerous to themselves and their fellow highway travellers. I have seen truckers driving, especially at night, who are obviously very tired. They wander across the centre line of the highway and they do not slow down to a



degree or pull over on to the paved shoulder to enable someone to get around them. Then there are the problems I was mentioning.

There are many drivers who, if they are climbing a hill and there is no truck climbing lane, will look to see whether it is safe when they get to the crest of the hill and will signal the driver of a car following them to pass. They are very polite and helpful in that way.

Unfortunately, these kinds of drivers are becoming a minority. I suppose there is a fear on the part of the driver that if he signals a car to pass and there is some accident afterwards, he might somehow be at fault and perhaps even liable. Therefore, there is less willingness to do that.

In Western Canada, the trucks on the road are much longer than those we have in Ontario. It is considered safe. I wonder if the Prairies—Alberta, for instance—have the same kind of topography I am concerned about in northern Ontario. They do in the Rocky Mountains.

Could we expect to have the same kind of difficulties? The highways I have driven on in Western Canada, because of the easier topography and less difficult terrain, seem to be better constructed in that there are more four-lane stretches and so on. This is certainly so on the Trans-Canada Highway.

Also, I am concerned about the large number of trucks using our highways. I was once travelling with an older gentleman behind a convoy of trucks. We were in no hurry, so we were not trying to get by them, but we were going along at a very slow pace. I said to him, "I wish we could, in the ideal world, build roads just for trucks and for the transport of goods and have other roads for pleasure drivers and automobile traffic." He said: "We do have other roads for the transport of goods. They are called railroads." In this day, the railroads were the main means of transporting goods across this country.

We seem to be getting more and more away from that. We are following the example of our American and European friends where the truck transport of goods, rather than transport by rail, is becoming a major means of transporting goods in our economy.

I do not expect we are going to be able to turn that around and change it. However, if we are going to increase the numbers of goods carried by tractor-trailers on our highways, we have to increase the safety of those highways. We have to bring in regulations to ensure that those drivers are not a danger to themselves or to other travellers.

**8:50 p.m.**

I am sure my colleagues from northern Ontario share my concern about this proposal. We have expressed it before in this House. I do not know how we can construct enough passing lanes and truck climbing lanes to make it possible to ensure the safety of drivers.

I want to make a couple of other comments about other aspects of this bill. While in a general sense we support the bill, and it is housekeeping, as my friend said, there are some things I would like to have cleared up on behalf of the member for Cornwall (Mr. Samis), who is attending a conference on transportation this week at the behest of the member for Cochrane North (Mr. Piché) and thus is not here to speak on this bill.

As an aside, I suspect one of the issues raised at that conference will be the issue of the safety of our highways in northern Ontario, as well as the member for Cochrane North's pet concern, the Dash-8. I hope they do not spend all their time on the Dash-8. I hope they deal with the issue of safety on our highways as well.

I will not go on at length about this, but I share some of the questions about the whole issue of truck axle weights and the administration of axle weights by the ministry.

While the minister indicated to the member for Essex North he was wrong with regard to shifting weight from the back to the front of the truck to make it easier to drive, that same issue has been raised time and again with me by people who drive logging trucks. I am sure the minister has heard this. The Ministry of Northern Affairs is carrying out a study about the safety of logging trucks and how to deal with measuring weights.

Those truckers usually deal in areas where there are no weigh-scales and they have to guesstimate how they spread the weight on the axles. They do not know for sure until they reach a weigh-scale on the highway. In some cases that is too late because their guesstimate has been wrong. I hope those issues are raised at that conference as well.

I would like to hear the minister respond to that issue. How will this proposal to lengthen the combination length deal with the issue of the distribution of axle weight and improve safety for the drivers themselves as well as the travelling public?

There are a couple of other things I would like to get information on with regard to this bill. One of the things the bill does is make it possible to impose an administrative fee for the reinstatement of a suspended driver's licence. It is my understanding that we have not been informed of



what the amount of that fee will be. I hear it is likely to be \$25. Could the minister inform us what relationship that figure, if it is an accurate figure, has to the actual administrative cost? Obviously, the purpose of this is to recover some of those costs from the person who is getting his or her licence reinstated.

One of the other provisions I would like to comment on briefly is the change that would allow ambulances and emergency vehicles like ambulances to exceed the speed limit in an emergency situation. Personally, I do not have any objection to this change. It would certainly make sense if there was a cardiac arrest victim who had to get to a hospital. One would want to drive as quickly as possible, but I emphasize that ambulances must drive as safely as possible.

I am a little concerned about this proposal in the sense that we have had a couple of very serious accidents in our area involving ambulances. The drivers were well trained and doing the best they could for the victim they were transporting to the hospital, but it resulted in a tragic situation in which not only the victim but also the ambulance driver and attendant lost their lives.

I am not certain what kind of training the ministry is anticipating with regard to ambulance drivers, either through that ministry or through the Ministry of Health, to ensure that drivers who are going to be permitted to exceed the speed limit are trained to the extent that they can do so safely.

I will not make any further comments. Some of my colleagues from northern Ontario may want to make further comments with regard to the issue of the length of vehicles and safety. As I said earlier on behalf of the member for Cornwall, we will support the bill and we hope the minister can respond to the concerns we have raised.

**Mr. Haggerty:** Mr. Speaker, I want to discuss some concerns about Bill 45, An Act to amend the Highway Traffic Act. I was interested in the comments the member for Algoma (Mr. Wildman) just brought to the attention of the minister, which concern the new provision under section 8 that exempts another vehicle from the speed limits.

I am a little concerned about this section of the bill. In the past a number of accidents have occurred with emergency vehicles that were going through red lights and coming to intersections and did not stop because they had the siren on and the red light going so everyone else would hear or see them coming.

I can see exempting them on the highway where there is a little more caution shown and where the visibility is much greater so that one can see oncoming vehicles from the opposite direction at an intersection, but in the cities and towns this may cause some difficulties. Instead of getting a patient safely to a hospital, two or three other accidents—and they could be fatal accidents—may occur when one starts to move in this direction once again.

With the new vehicles that are out on the road today, very seldom can one hear a siren or be aware that an emergency vehicle is approaching unless one happens to be looking in the mirror and catches the red lights back there warning that an emergency vehicle is proceeding.

I am afraid we may go back to the old days when a number of accidents were caused and a number of lives were lost. Normally when people travel to hospital from my area, which is 100 miles from the hospital here in downtown Toronto, they have police escorts. I think this is a pretty good system to rely on. The police can dispatch a cruiser to almost every major intersection to make sure that every precaution is taken so there are no further accidents or serious injuries when vehicles come to these intersections.

I do not think fire departments are exempt under this, are they? I notice the precautions that are taken, particularly by the city of Toronto fire department. Their fire trucks straddle the white line down the middle of the road and pretty well take to the middle of the road to get by heavy traffic. Ambulances here do it too. Usually the motorists will pull off to the right, and these vehicles can proceed then. But this may not apply in other communities that are not accustomed to that type of emergency vehicle travelling at that high rate of speed.

**9 p.m.**

The other area of concern is that the minister has permitted the length of vehicles in combination to be increased from 21 metres to 23 metres. This concerns me. I travel the Queen Elizabeth Way sometimes two or three times a week coming here to Toronto and to the Legislature and I have seen some of these large vehicles and the number of axles that are permitted on the roads today.

I know the minister and I have had discussions on this before. I refer again to the studies made in the United States, particularly in the state of Illinois, where they carried out some studies on the large vehicles and the damage they are doing to the highways today.



I suggest that is an area the minister should be looking at. Through deregulation in Ontario and the agreements entered into with our neighbouring states, there are more trucks on the Queen Elizabeth Way now than ever before. They are causing serious problems to motorists using the QEW.

I have seen a real hazard on that highway involving pup trailers. Instead of running parallel with the vehicle in front of them, some of them move as much as 18 inches, swerving down the road. I was riding on a bus one day and the driver had a hard time escaping such a vehicle as it came alongside the bus. I thought for sure we were going to be sideswiped.

There are such vehicles on the road today that I do not think get proper inspection for that type of pickup. I believe the minister travels on Highway 5, where there are a number of traffic lights that slow him up a bit—I do not know whether he is a speedster—but I suggest that he travel on the Queen Elizabeth Way a little more between the Niagara region and Toronto.

**Hon. Mr. Snow:** I travel it quite often.

**Mr. Haggerty:** He may do. But if he has a driver sitting in front of him and he is reading the newspaper, he does not see what is going on. I do not know whether he has a radio in his car so he can speak to Queen's Park. I am just saying that in some cases these trucks are a hazard on the road, and I suggest that he should be looking closely at this.

Instead of extending the lengths, maybe we should be curtailing it. The next thing we are going to see here is the train system of trucking, similar to what they have in some of the states. Following deregulation there, I understand there are more applications every day from American trucking firms that want to enter the trucking business in Ontario.

I am also concerned about another aspect of this bill. The explanatory note on section 15 says, "The new provision recognizes that some vehicles are not able to strictly comply with the act because of their length." Here the minister allows them to go and then says it is okay to violate the provision by going beyond that length or even width.

Let us take a look at section 15: "Where, because of the length of a vehicle or combination of vehicles, a turn cannot be made within the confines of the lanes"—and that means he can take two or three lanes on a four-lane highway—referred to in subsection 2, 3, 5 or 6, a driver, when making such a turn, is not in contravention

of any such subsection if he complies with the applicable provision as closely as practicable."

That is good wording, is it not? That is opening up a can of worms, as the saying goes, if these trucks are allowed to get much larger. That is what is happening with the trains and the pups being hooked up. There was an accident just recently on the Queen Elizabeth Way; the truck was right across the road. The law is going to say: "Okay trucking firms, you can have as long a load as you want as long as you are, within reason, in a safe lane." But he can take three lanes making that turn.

Just look at the slip-ons on these highways today. They are not constructed to handle the long vehicles today. Almost every turn one looks at, one can find a truck that has overturned on that slip-on coming on to the QEW. I have seen a number of trucks just out of Fort Erie that have rolled over because of the improper construction of the road for these longer vehicles. It just will not handle them. I suggest this is really broadening things out; it is not going to be safe for a motorist to get on the QEW at all.

The member for Algoma has mentioned the tailgating by these truckers. At one time truckers showed some common courtesy on the highways. They do not do that any more. They come one after the other with only about 50 feet or 100 feet between them. Sometimes, when they are passing on the road, they almost cut off a motorist by moving into a lane quickly after passing.

Although someone said we support this bill in principle, I think we will regret the day we supported sections 7 and 15 permitting longer vehicles to be used on our highways. As I said before, as long as we allow heavier weights on these vehicles, which is what is taking place—

**Hon. Mr. Snow:** No.

**Mr. Haggerty:** The minister says no. I have seen trucks with—

**Hon. Mr. Snow:** Mr. Speaker, on a point of order: I can tolerate a lot of discussion on this very important subject, but when the honourable member starts saying things that are absolutely untrue—

**Mr. Laughren:** Out of order.

**Hon. Mr. Snow:** There is nothing in this bill, and there has been nothing passed in this Legislature in the almost nine years I have been minister, to increase the weight on a truck. I am sorry.

**Mr. Haggerty:** Not on the truck; on the trailer.



**Hon. Mr. Snow:** Not on the trailer either.

**Mr. Haggerty:** The minister says I do not know what I am talking about—

**Mr. Speaker:** Now back to the bill, please.

**Mr. Haggerty:** —but I can tell him he is permitting these larger trucks with heavier loads. He is shaking his head. How come he has all the weigh stations checking the weight then?

**Hon. Mr. Snow:** No, they are not.

**Mr. Haggerty:** Yes. There is another one going up on the Queen Elizabeth Way. Two more have been added.

**Mr. Speaker:** Back to the bill.

**Mr. Haggerty:** Back to the section of the bill. There must be a reason the minister wants these weigh stations.

Another hazard, if we look at the number of accidents in those areas, is that trucks pull out one after the other. They cause enough problems.

Regarding the number of axles on the trailers, if the minister is not aware of the damage that is doing to municipal roads, all he has to do is stand on any street corner in any municipality and watch those vehicles trying to navigate a narrow road and he will see the asphalt move with the vehicle; it pushes it right out.

The ministry is doing major reconstruction work now laying asphalt on Highway 3, and I thank the minister for doing that, but the reason he has to do it so soon is the weight permitted on these trucks. Our roads are not built to carry it. If the ministry wanted to get additional revenue, it could start charging these truckers for their use of the roads.

When I look at parts of this bill, I believe that five years or three years or six months down the road, we will regret the day this bill was introduced.

**9:10 p.m.**

**Mr. Laughren:** Mr. Speaker, the member for Erie (Mr. Haggerty) has hit upon something we should all take advantage of. If we had moving asphalt instead of moving trucks, we could have a major energy conservation program in Ontario. The minister should take that more seriously instead of getting up in a such a defensive manner to respond to the member for Erie.

We can support most of the provisions in this bill without hesitation, but I too am concerned about section 7. I spend an unusual amount of time on the highway, anywhere between 35,000 to 40,000 miles a year, either between here and my constituency or within my constituency, which is very large and sprawling. I have been increasingly concerned over the years with the

problem of transport trucks on the highway. I know they have to be there; they have a right to be there, and they pay a lot of taxes. At the same time, there is the question of safety.

I was not a member of the select committee on highway safety, but I seem to recall that all-party committee of this Legislature recommended against longer trucks. Yet here we have section 7, in which the maximum length is increased from 21 metres to 23 metres.

I wonder whose advice the minister is taking on this, aside from the obvious source of the trucking industry, and to what extent the minister has taken into consideration the recommendations of the select committee and the safety problems associated with longer trucks. Where I find it such a problem is in attempting to pass a large truck, particularly if there is any kind of precipitation on the road, either water or snow, and being unable to see beyond the truck. I am not suggesting that things will change dramatically because we increase the length of the truck from 21 metres to 23 metres, but it is a change for the worse. It certainly does not make it any better. Where there are highways with very long distances between passing lanes or lots of hills on the highway, that does become a serious problem.

While I have no trouble supporting almost everything in the bill, I have enormous problems with section 7. First, I do not understand the need for the increased length that is being allowed. Second, I do not understand how the minister reconciled the danger questions with the demands of the industry. For example, I would be interested in knowing from the minister whether two metres was the requested increase in length or whether there was a request for a larger increase, to what extent this was a sawoff or compromise increase and to what extent it was the increase that was asked for. I hope the minister will respond to that.

The highways are something we all have to share. I think there is a danger now of that old expression regarding truck drivers as being “knights of the road” being lost. I get an increasing number of complaints myself about truckers not being what people used to regard them as, namely, the “knights of the road.” I do not know why that is. I do not know whether there is increased pressure on the truckers to get to their destinations faster, but the public’s perception of truckers is not what it was 10 or 15 years ago.

I put myself in that category as well, because I have been driving a lot of miles for a lot of years



and my perception about truckers has changed over the years. Therefore, I am not surprised that there is an unsympathetic reaction to this change in the allowable length of trucks.

When he responds, I hope the minister will respond to those concerns from this side of the House about that increase in the length of trucks.

**Mr. Riddell:** Mr. Speaker, it is always a pleasure to be able to speak in front of such a large audience. However, the lack of quantity is more than made up by the quality over there, particularly now that the Minister of Agriculture and Food (Mr. Timbrell) has taken his seat.

It is unfortunate that we did not follow our House leader's advice and refrain from speaking so much on second reading and get into committee of the whole where we can deal with the sections one at a time. I am not too sure that any section in the bill addresses the one concern I wish to bring to the minister's attention.

I became concerned when a tragic accident happened not too many miles away from my farm. It involved a pickup truck that went out of control and ended up wrapped around a big tree on the side of the road. I had a look at it shortly after the accident and there was blood splattered up the tree about—

**Mr. Laughren:** Mr. Speaker, on a point of order: In view of the fact that there are only four members of the government party in the House, I think you should check to see whether we have a quorum.

Mr. Speaker ordered the bells to be rung.

9:19 p.m.

**Mr. Speaker:** I am advised there is a quorum present.

**Mr. Riddell:** I want to thank the member for Nickel Belt (Mr. Laughren) for summoning the Tories to the House to listen to the great comments by the member for Huron-Middlesex.

I was talking about a tragic accident that happened not too many miles away from the farm. It involved a pickup truck with a driver and passenger. The truck went out of control and wrapped itself around quite a large tree.

It made a complete mess, not only of the truck but of the two people in the truck. As I indicated, there was blood splattered 10 to 12 feet up the tree. It appeared as if the brains of one of the persons in the vehicle had been splattered against the tree about 10 feet up. I could go on and describe it further.

As a matter of fact, I received an inquiry about it. When the truck was towed to the service station, which was within about three miles of

my farm, I started receiving telephone calls stating there was an odour coming from the truck. Sure enough, when we looked into it, there was. The fact of the matter was they could not get all the parts of the bodies out of truck. They were enmeshed in the steel, carpeting and what not in the truck.

I wanted to describe that tragic accident in that fashion because the only reason the truck went out of control was that it had the largest oversized tires I have ever seen on any vehicle. When I went to have a look at the truck after it had been towed to the service station, I could not believe the size of the tires on it.

I investigated further about what possibly could have caused the accident. I wondered if it might have been impaired driving or speed—there is no question there was speed involved. I was told by those who have more expertise than I in these matters that when somebody drives those trucks with those oversized tires at a speed faster than 80 kilometres an hour, the tires start to float. There is very little of the tire actually making contact with the surface of the road. Obviously, speed was involved but, as I said, if the driver is doing anything over 80 kilometres per hour he apparently has absolutely no control over a pickup truck with those oversized tires.

I am wondering whether we should not be restricting or limiting tire size on vehicles such as pickup trucks. There is no reason in the world that a pickup truck should have had the size of tires that truck had. For the life of me I cannot understand why there would need to be that size of tire on it. The tires looked as if they were almost as large as the tires on my David Brown 950 tractor, which is not a big tractor, but the tires looked practically as large as the rear tires on my tractor.

I think we should be limiting tire size on vehicles. That concern came to me as soon as I went out and saw that accident. I thought there would have to be something done about it.

The other point I want to make, as has already been made, is there is no question but that truck drivers have become most discourteous. I can recall not too many years ago when truckers were considered to be some of the most courteous drivers on the road. As a matter of fact, I think Labatt used to have a policy that if its drivers came across a driver of a vehicle that was obviously in trouble, they would pull the truck off to the side of the road and would get out to see if they could render any assistance.

I do not know whether Labatt still has that policy, but we certainly do not see too much



courtesy on the part of most of the truck drivers on the road today. They come wheeling out into the passing lane. Many times I have been right beside the rear end of a truck when on comes the light and out he goes. I have had to hit the brakes in order to avoid an accident.

The other thing I take offence at is these truckers who like to play games on the highway. I call it a game when one truck pulls out to try to pass another truck and the other truck is not going to ease up one little bit, so you are travelling for miles along the highway behind these trucks with the one truck trying to overtake the other and the other not giving up one little bit. As a result, you have a line of traffic waiting behind these trucks wanting to get by to get on to its destination.

I do not know what the minister can do about it; chances are there is nothing we can do about it, because if the truckers want to play these games on the highway, they are going to go ahead and play them. But it does make for hazardous conditions, as far as I am concerned, when the truckers show as little courtesy as they do. As I say, I do not know what the minister can do about it, but I sure would like to see something happen whereby these truckers would start to drive more safely than they do at the present time.

**Mr. Shymko:** Fine fellows, some of these truckers. I was helped by a trucker once.

**Mr. Riddell:** Those are the two points I wanted to raise. First, can we limit tire size for certain vehicles, because—

**Mr. Gillies:** What is it with you guys?

**Mr. Shymko:** What have you got against truckers?

**Mr. Speaker:** Order.

**Mr. Riddell:** What is wrong with them back there?

**Mr. Speaker:** Proceed, please.

**Mr. Riddell:** Pardon?

**Mr. Speaker:** Back to the bill.

**Mr. Shymko:** I was helped by a trucker once.

**Mr. Speaker:** Never mind the interjections.

**Mr. Riddell:** I really think we should limit tire size on vehicles of a certain size if indeed these tires float. Most of us have driven pickup trucks at some time and, unless you have a load in the back end of the truck, you know how useless they are. They are very light, and then we load them up with these oversize tires. I think I have the terminology right when I say these tires float over 80 kilometres an hour and you have absolutely no control.

This truck went off the side of the road, somehow got on its side, skidded right along the shoulder of the road on its side and wrapped itself around the tree, and you can image what the two people inside that truck looked like. I explained it to members in some detail because I hope we never have to see an accident such as that again because of these ridiculously oversize tires being placed on these small trucks.

**Mr. Mackenzie:** Mr. Speaker, I had not intended to speak on this bill, and I will be brief; but my remarks are serious, and I hope the minister will take them that way.

I had the privilege of serving on the highway safety committee a number of years ago, in 1976-77. It was a good committee and did a lot of work and, unless my memory has played tricks on me totally, we were not in favour of lengthening tractor-trailers on the highway.

I know there was a consensus that we probably had not spent as much time as we should have on trucking, trucks and the safety of trucks. But it was dealt with, and I can tell the minister very frankly that I would feel bad for the chairman of that committee, a former colleague of mine, Fred Young, who felt so strongly about safety on the highway, if I did not raise this concern. Were he in this House, I know darn well he would be raising this very concern with the minister.

I have very great difficulty with that section of the bill. I understand that in this place I cannot always follow everything, and I guess I was not following this particular legislation very closely until I took a serious look at it tonight. Much of the bill is good; I am not really trying to zero in on the rest of it, but I have grave reservations in this one area.

My colleagues tell me it has to do with the distribution of weight on the axles and the wheels. There may be such an argument. I would like to know how thorough and how total the research has been on it.

We certainly did not get any indication of support for longer trucks from anybody other than the trucking industry in the brief comments we had on it in that particular committee; certainly we did not get any support for it from the many other groups that appeared before that committee. I really wonder if this is not another example of giving us a bill—I hope it is not, very frankly—that has a number of good things in it but one thing that somebody wants to slide through and that is why this section is in the bill.

**9:30 p.m.**

I have another concern. Generally speaking, I guess it deals more with my end of things, the



about end of things. It is about a phone call three or four days ago. Others may have got one; I do not know. It was from a trucker about himself and one of his buddies.

The trucker was concerned about this bill. He made a couple of comments that do not deal directly with the length of tractor-trailers, but I think they can certainly be taken into consideration when we are taking a look at whether the longer trailers are safe.

He gave a couple of examples of what is happening with drivers today. I suspect this is accurate. I know it is at some trucking firms because the pressure is on workers and drivers at transport firms. The pressure is on in almost all industry across the province in tough times when there are layoffs and when even organized workers do not seem to have the clout they used to have, a lot of it because of fear in the community and fear about jobs. It is a time when management can quite often get away with pushing a little harder and requiring a little more from the workers.

Quoting himself and one of his buddies, this trucker talked about the increase in overtime for some of them. I know that is a fact at some firms, although it may not be at all of them. He said that where he is working they are working far too much overtime.

He gave two examples. He started at 10 a.m. on Victoria Day with a 10-to-six run. At 10 p.m. he was still working. By 1 a.m. or 2 a.m. that night, he took an out-of-town run and arrived back at 5:30 in the morning. He said that is a common practice.

He said a second driver does it all the time. On May 23, he started at 1 p.m. on the one-to-nine shift. He was still working in the city at 10 p.m. Then at 11 p.m. he took a run to Sudbury with no sleeper-cab. He was back on the next shift at 1 p.m. It should not be allowed. I suppose if we had some way to check it something could be done about it. I suspect it is all too common. I suspect the pressure on drivers in terms of overtime and the traffic runs is there as well.

I think that adds to the question of danger. It is not as safe, particularly with the longer tractor-trailers. It seems to me we should be concerned about this.

I guess I was goaded into rising to say a few words for another reason as well. I have heard the minister say many times that he travels or knows the Queen Elizabeth Way. I am not sure whether it matters if he is with a driver or not. I do it at least three times and sometimes five times a week.

I do not think it is just older age starting to catch up with me or anything else, but one thing I have noticed in the last year or two is that it is getting a little more tricky with the trucks on that road. Just the other day I was saying to my wife as we came to Toronto, "I remember sitting down back in 1976-77 with some officials from the trucking companies on the highway safety committee and raising concerns that had been raised with us about the speed at which some of the trucks were travelling."

I remember being told, "Really, you are wrong." There was a real defence. Some other people in this room may have been at that meeting. I was told: "Because of the need to conserve and the cost of fuel, most of them are controlling it at 55 or 60 miles per hour. They are not going over that." I can tell the House that in the last number of weeks on the Queen Elizabeth Way I have had them go by me at a heck of a lot higher speed than that. I have also seen more tailgating than I have seen in some time.

Without even realizing this bill was coming up in the House, I was making a comment to my wife the other day that I remember sitting down at that meeting of the select committee and having them tell us that they really were not travelling at the speeds we were suggesting, that it was not unsafe and that in most cases, particularly with the responsible truckers, they were controlling the speeds of their tractor-trailers.

I may be looking at the wrong trucks all the time, but I do not think so. My observation is that is not very factual. I do not think what they told us at that meeting was true then and I am darned sure it is not true today. Now I see we have a bill that is going to increase the length of those tractor-trailers.

There may be answers I do not have, but I would like a lot more information on the safety of this kind of move before I would vote for this, even if it means I have to disagree with my caucus. I hope the minister will take another look at this question.

What is happening concerns me as to the number of trucks and the way they are travelling on the highways. It concerns me in terms of the pressures I think are being put on workers, more so now than has been the case for a long time. It is going to make them wander a bit in some cases, especially if they get long runs such as those I have read into the record. It is going to be much more difficult for ordinary drivers passing them.

The Minister of Transportation and Communications (Mr. Snow) should take into consideration that there is a fairly good trend towards



smaller-sized cars. The trucks have not come down in size, they are increasing. One is up against a giant. It really is the minnow and the whale when one takes a look at this situation.

I like the bigger cars and had one until recently when the damned engine went on me. Now I am in a small Ford wagon and do not feel any more secure in the smaller car on the highway. What is happening to the trucks and trying to pass them and move raises great concerns with me, as I am sure it does with tens of thousands of Canadian drivers.

The minister may be making a mistake in this section of this legislation.

**Mr. Nixon:** Mr. Speaker, I feel this is a good occasion, year by year, when all of us who are experts on highway safety and truck transportation and management of cars, because we experience it from day to day, have a chance to express to the minister some of our views.

I suggested to begin with that we might go immediately to committee of the whole House so that the minister could comment as these things are said. I would suggest to the members who are interested in this topic that we are missing one ingredient and that is the opinion of the minister.

This time next year he will be back in the construction business as the Liberal government takes over, but just on the off chance, God forbid, that he is minister next year, it might be more useful if we could have an exchange with the man who has been minister a long time and has established a pretty good reputation across Ontario and with members of the House for being a pretty fair-minded guy.

I warned him that at the next election we are bringing back Rev. Robin Skuce to run against him. Robin came within a handful of votes of beating him the first time he ran and when the Rev. Skuce returns it is probably going to be game over for the minister. This is not exactly on the principle of the bill but I thought I should warn the minister.

I want to refer briefly to a very serious matter and that is the death of those five kids who ran into the moving train in the minister's area.

**Hon. Mr. Snow:** Say it again, please?

**Mr. Nixon:** I want to refer to the tragic accident that is now being reviewed by an inquest into the deaths of five teen-aged children.

I remember the select committee on highway safety mentioned by the member for Hamilton East (Mr. Mackenzie). One of the recommendations that crept into the report, or at least was spoken about, was the special danger of freight

trains at unmarked crossings, that is, without any kind of flashing light.

Here we have vehicles, the car moving and the train moving, and the train has absolutely no lights or warnings whatever. If it is a dark night and the driver is somewhat impaired in his vision, as in this case, evidently, the driver was—there is evidence he never even knew there was anything in front of him until the very last split second.

A suggestion was made to easily cure at least part of this and that was to put some reflecting lights or tape, not electrically connected, on each of the boxcars. As they whip by across the road, the lights will reflect and there will be flashing lights there whether or not there is a wigwag. This is a very simple thing and it would be sensible if the minister would require that freight trains in Ontario have these markings.

He is shaking his head and we are going to get this great speech about the federal Liberals not being up to date and not doing these things.

**Hon. Mr. Snow:** That is exactly right.

**Mr. Nixon:** Yeah, yeah, yeah.

If the minister, in his remaining months in office, were to take some initiative in this connection, the problem would be solved. It should be solved right across North America. It is ridiculous that freight cars do not have reflecting tape, which would be very cheap and very easy. As they whipped across the rural crossings there would be plenty of notice and warning. I want to suggest to the minister he should do that.

**9:40 p.m.**

I also remember Fred Young, who was the chairman of the highway safety committee and did a very good job indeed. One of the main controversies at that time was whether we would opt for air bags in our cars. On one of the occasions that I remember and will never forget it, General Motors took us out to Oshawa to allow us to test one of their cars equipped with air bags.

Six of us, as committee members, crawled into this car. Fred Young, as chairman, was in the driver's seat. We were not going to run into a tree to see how it worked. One of the test engineers would hold this button and when the signal was given he would press the button. It is murder. When that button is pushed these things inflate explosively. I was in the back seat. They had airbags in the back as well, I believe, like floating truck tires. The minister is frowning.

I do not remember the thing restricting me. I do know it popped out of the dashboard and poor Fred Young was left with a bloody nose, his



lasses smashed and pasted back into his eyes. It was quite a scary occasion. We still recommended airbags, did we not? There was sort of a division in that committee. It may be that some kind of restraint like that would save a good many lives.

I am going to disagree with a number of previous speakers and even some of my own colleagues, believe it or not—and I hardly ever disagree with them—on their suggestions about trucks and truck drivers. I suppose it is because I get my gas from Earl's Shell Service in St. George.

**Mr. Wildman:** J. Earl?

**Mr. Nixon:** No. With the size of car J. Earl drives, he has to take his own gas station with him.

If members have never heard of Earl's Shell Service, they should stop in there because a lot of truck drivers do. They should hear what they say about us the car drivers, particularly those in the rural areas. They are not referring to the farmers themselves, but they talk about the ubiquitous pickup truck that always comes sliding out of the farm lane without really stopping.

They pull out in front of the truck with maybe a couple of hundred yards space. It seems long enough, but it makes it tough for the trucker. While the pickup truck is accelerating in low and second and heading uptown—maybe to Earl's Shell Service to get some oil for the lawnmower—the big truck has been sailing along at the speed limit, or maybe a kilometre or two over it, and has to use its airbrakes. Sometimes he gives a blast of the air horn and gets a finger in response—that lovely exchange members may have been exposed to. The trucker has to slow down, then immediately start picking up speed again.

These fellows who drive trucks for a living and work long hours—something we have been talking about—can get a little irritable as well. Their feeling is that these days we ordinary drivers of private cars are stupider than we used to be in regard to reasonable safety responses on the road.

We have all been talking about our driving experience. I am glad I do not have to drive all the way to Hay, Ontario, two or three times a week, but I do go to South Dumfries township, which is 100 kilometres. I go there and back most days of the week. If one works out a little arithmetic there, times 24 cents, etc., one will know it is a very interesting drive indeed. My mental calculator is ticking off the kilometres as I go along.

**Mr. Mancini:** Saturdays and Sundays too.

**Mr. Nixon:** I put the car up on blocks every Sunday and put it in gear.

My experience with truck drivers is not the same as those experiences which have been recounted by my colleagues. It is three lanes along there, just as Highway 401 is three lanes up to the farm of the minister. Beyond that it drops off a little, but that is another matter.

With the Queen Elizabeth Way having three lanes, trucks are restricted from the fast lane and very rarely does one see anyone breaking that rule. Most recently, the rule was broken on the Gardiner Expressway last Sunday when that big tanker was in the fast lane and tipped over on the road, holding up the Gardiner Expressway for nine hours. So there are exceptions.

I find truck drivers obey the speed limit just about the way private car drivers obey it. My own view is that the speed limit is too low. It ought to be established on the basis of common usage on the road. The minister has heard my remarks about this before, but neither he nor anyone else drives at 100 kilometres an hour on the Queen Elizabeth Way or 80 kilometres per hour on the other roads. My own view is that the idea of saving gas is irrelevant now and there is no clear indication we are saving lives.

This is a personal opinion after a great deal of research and after reading my favourite magazine, *Car and Driver*, which someone sent me. Speed limits ought to reflect what the ordinary citizen feels is a safe driving rate, not what people may say in answer to a poll about what the speed limits should be.

As far as the length of the trucks is concerned, I think the minister has been whipsawing the length of the trailers year by year, saying, "Okay, you can have a longer trailer, but you are going to have to have a shorter cab." Now we are saying, "We will allow the cab to be longer, but we will not allow the trailer to be longer."

It is true that these are getting to be real Goliaths of the road, but as far as I can see, the statistics indicate these big trucks are no more prone to accidents than the smaller trucks, probably considerably less. If the minister has some statistics, I would appreciate it if he would give them to us.

We have an Imperial Oil depot for delivering gasoline to service stations in a large area. The depot is in my community and I know a number of the drivers there very well. They drive the very largest tankers with a pup on behind, the kind that is supposed to cause such mayhem, death and danger. They have had no accidents of any kind



over the last three or four years in that area—a record of 100 per cent. One sees them manoeuvring those things into service stations and leaving the loads of gasoline behind. Those guys are as professional drivers as the pilot of the 747 we were talking about.

I forget which member was talking about truck drivers driving such long hours. It is interesting also that pilots are very carefully restricted so they do not drive long hours. The big difference is that the pilots for Air Canada, the fully experienced captains, are paid much more than the Prime Minister of Canada. If their hours are cut back, that is fine.

**Hon. Mr. Snow:** When I am flying, I think they are worth more.

**Mr. Nixon:** That is right. I hope the minister sits in the middle of the plane like me. Their hours are restricted. Sometimes I think their hours are restricted to the point they practically forget how to fly between flights, but that is another matter.

These guys driving the trucks, particularly the ones who drive so many hours continuously, are usually driving for themselves and trying to make a living. They are trying to make their payments on their trucks or they are paid on some basis that requires them to work unconscionably long and, I would agree, dangerous hours.

In previous debates about this matter, the minister has said it would be practically impossible to police it. If it were illegal and we did have some inspectors checking up on it with a driver's log, I think something might be done to assist in this matter.

It is not our intention to vote against the bill, but a number of my colleagues have indicated their strong objection to the possibility of making the trucks longer. We may want to express our objection on this important matter when we get into committee, if we ever do.

**The Acting Speaker (Mr. Cousens):** I thank the member. The member made a suggestion for an early vote, but I see other members want to speak. The member for Prescott-Russell.

**Mr. Boudria:** Mr. Speaker, I too want to join in this debate, although I do not intend to make a very long contribution. There are a few comments I want to make on our annual revisions to the Highway Traffic Act.

One matter I raised with the minister last year and the year before is the whole matter of seatbelts for school buses. We do not see that addressed in this year's bill and we have not seen it in the past.

I always felt we went at our seatbelt legislation backwards. We should have started with public transport vehicles and then proceeded with private cars. I do believe the only reason we proceeded the way we did is that seatbelts were already in the cars and they were not in the school buses.

**9:50 p.m.**

I do not think that is the right way for us to go. I think the government should move on the issue of seatbelts for school buses, perhaps waiting a fairly lengthy period for proclamation, one or two years, to give the operators of school buses time to equip their vehicles with this particular equipment. When our children are sitting in these buses, especially at the back of the bus, if there is a sudden stop or an accident, the kids fly a very long distance before hitting the objects there, usually the windshield, a post or something in the vehicle. There is tremendous potential for injury. I invite the minister to give this some thought. I mentioned this last year, and he probably remembers my raising it, but I wanted to bring it up again.

Like many of my colleagues, I drive quite a few miles in a year as well—

**Mr. Mancini:** Times 24.

**Mr. Boudria:** Times 25 now. I drive a very small car, a Chevette, 50,000 to 55,000 kilometres a year, 1,000 kilometres a week on average. Driving such a small car, I find it very difficult to pass large trucks. A small car, especially that brand of inexpensive small car, is not particularly peppy in passing other vehicles. It usually takes quite a bit of time to achieve that.

On occasion when I have tried to pass one of these great big trucks, I have bitten my fingernails and wondered whether I would make it. The minister is probably thinking that does not say much for my driving, but one always estimates according to one's judgement and it is difficult to estimate that kind of thing; especially when driving at night, as most of us are called upon to do quite often.

A problem we have in my riding and elsewhere is a lack of passing lanes, and I bring that to the minister's attention again, especially the stretch of Highway 17 between Rockland and Orleans. It will be very difficult to pass anything, let alone trucks, on that stretch of highway until we get some passing lanes. I invite the minister to give that some thought in his budgets over the next few years.

I want to raise one or two more issues. There is the business of the advanced or extended green lights in this province. We are probably the only



jurisdiction that has those lights. They are very confusing for tourists from outside the province. My riding is along the Quebec border. We share some 70 miles of border with that province. Many people coming over do not recognize what those flashers are for. Unless someone has given them a manual when they cross the Perley Bridge at Hawkesbury saying, "The flashing green lights mean you can turn left without somebody hitting you coming across the other way," how could they possibly know what those things are for?

Most other jurisdictions use an arrow that indicates where one can turn. I do not know of other jurisdictions that use lights. Perhaps there are, and the minister could explain that to us. They do confuse a number of people from out of our province. Sometimes they have asked me, "By the way, why does that green light flash?" I have to tell them it is in order to make a left turn without being run over. For the average person from Toronto who has seen them all over the place in the city, it is no bother. My riding is a little to the side of the centre of the universe, being at the extremity of the province, and we do find that difficult.

There is another issue I want to raise. The reduction of agriculture in my riding is quite concerned with the proliferation of the use of the farm implement triangles. I am not sure of their correct name.

**Mr. Nixon:** Slow-moving-vehicle triangles.

**Mr. Boudria:** Whatever. They are not upset about farmers using them, but they are increasingly concerned about people using them for various other purposes, which tends to downgrade the importance of the triangles. Ontario Hydro is now using them for the tops of their poles in my riding so helicopters can find them. Some people put them at the end of their culverts so they know where their driveway is. There are all kinds of uses like that.

I wonder if the minister has given some thought to banning the use of them other than for slow-moving vehicles. They are very valuable. I do not know who designed the triangle or where it comes from, but it is now a very good and accepted symbol. It works well, but if we allow everybody to put it everywhere, then it will not have any value. I would encourage the minister to give this some thought.

Coming from the part of the province I do come from, I happen totally to dislike front licence plates on vehicles. Many jurisdictions no longer have them. Quebec, of course, does not have them and many of the states of the union do

not have front plates. I find the numbers on my own vehicle keep wearing off. The bugs hit them, etc., and I can hardly see what is on the front plate.

Car washes tend to remove them all the time because the cars are not really designed to have front plates; they are merely bolted on. They are sort of an added-on feature on the car and they do not really stay on properly. In car washes, parking lots and everything else, the first time you hit any minor thing or anything your car rests upon, that front plate falls off.

It is just a total mess. I frankly do not understand why we still have them in this province when so many other jurisdictions have given up on them. Perhaps there is a very important reason why we must have them. I am not sure what it is, especially now that we have only the sticker on the back plate anyway, so one kind of wonders what the front plate does. It is some sort of identifier of the vehicle, I suppose, but when one does not even know whether that number is valid or not because it does not have the sticker on it or anything else, I tend to think its value would be very small, if it has any value at all. I wonder if the minister would tell the House whether he ever intends to do away with the front licence plates we have.

I have just one more item. I agree with the member for Brant-Oxford-Norfolk about the speed limits. I think we should make the speed limits realistic in this province, and then let a speed limit be just that—a speed limit. At the present time, maximum speed really means minimum speed. If one has ever tried driving at anything less than the speed limit on Highway 401, I think some members have previously described what happens.

I think we should have realistic speed limits that reflect the current use of our highways. Then afterwards we should ensure they are respected. The present situation is that maximum speed really means minimum speed and that totally confuses the sense of logic of what it should be.

I fail to understand, for instance, why we have to drive 50 kilometres an hour on Highway 7 from Kaladar to Ottawa. That is just a snail's pace; nobody drives at that speed.

**Mr. Nixon:** The Chevette will not go that slow.

**Mr. Boudria:** The Chevette will not go that slow, the member for Brant-Oxford-Norfolk says.

I usually drive about 10 kilometres faster than that and everybody passes me. It does not reflect the current use of that highway or of any other



highway. I would invite the minister to comment on some of those things.

**Hon. Mr. Snow:** Mr. Speaker, I thank the honourable members for their comments on Bill 45. Rather than try to respond to each of the individual members, I probably should respond more to the issues that are included in the bill. I do not know what to do about the ones that are not included in the bill.

Obviously, the greatest concern of the members is the provision of section 7 of the bill, which does provide for a longer overall length of a commercial vehicle. But I have to point out that this change in length does not give one extra inch in length to the actual truck's body or the trailer.

In this case we are responding a great deal more to the safety aspect than to the trucking industry. In fact, I cannot say whether there were any representations, but certainly there were no strong representations to me by the trucking industry for this amendment. The trucking industry has been asking for double-45 trailers and things of this type, which I have totally refrained from considering.

**10 p.m.**

We are responding to Dr. Uffen's report on truck safety, which is an excellent report. We have had a tremendous amount of comment on it. The report has been distributed across Canada. Dr. Uffen recommends that the overall length of commercial articulated vehicles be increased in Ontario to allow the use of cab-behind-engine tractors but that a suitable kingpin restriction or trailer combination length should be established.

That is exactly what we have done in this bill. We have allowed a longer overall length of vehicle, but we have put in a restriction as to the length of the trailer component in two ways, from the kingpin to the rear of the most rear trailer and from the rear of the cab to the rear of the most rear trailer.

The whole purpose of this is to allow a trucking company, when purchasing new equipment, to purchase a tractor that has a longer wheelbase, that has the engine out in front of the cab rather than underneath the driver's seat. He has a much more stable vehicle. There is much less sway on the road. It is much easier on his back and his kidneys if he is bobtailing down the road.

I followed a car in from the airport tonight, coming down Highway 427, which is a pretty fair piece of road. There was one of these very short tractors with no trailer right beside me. He was just bouncing along. That poor guy must have

back problems, weak kidneys and everything else if he rides very much that way.

Dr. Uffen recognized this problem. He went right across this province and held hearings at which truckers, drivers, shippers and motorists appeared before him. In making these recommendations, he came out with some very well-thought-out material in his report.

In the drafting of this bill, we have allowed for the provision of the longer, more stable tractor but we have not increased the length of the trailer. That still does not get away from the argument that we do have a slightly longer overall length. It is a move I certainly have no problem supporting. We will have safer vehicles on our roads.

It is important this bill be dealt with one way or the other, either approved or not approved because since I have introduced the bill a great many of the people who are interested in buying new equipment are not placing orders for new trucks because they wish to buy the more stable vehicle. Naturally, in economic times such as these, they also do not wish to lose any load volume by having to shorten their trailers.

A number of truckers tell me they are ready to place orders for new equipment as soon as the bill is passed, and that will help the industries that are relying on those orders.

I have to respond to the little exchange I had with the member for Essex North with regard to axle loading. I still cannot understand him. He must have misunderstood the driver or the driver must have misunderstood the law. He talked about putting the bulldozer on the tractor and once he got off the scales having to move ahead to get any weight on the front wheels. Basically it is the other way around.

I get complaints from truckers that under our axle weight regulations, they have to put weight on the front axle to get their maximum weight. The truckers like to have more weight on the rear axle, especially on the logging trucks, so they can get more traction. What the member is telling me is exactly opposite to the arguments I have been hearing for a number of years from both truck drivers and owners.

The axle weights are working. They are being well recognized now. We had problems at the beginning. There are still some truck drivers having problems getting the load properly distributed. To do that, they have to get that weight on the front axle; that gives them their steering.

If some driver says he is running down the road with no weight on his front axle and cannot steer



properly, there is something terribly wrong with the engineering of his truck or the way his trailer is hooked up. He must have the fifth wheel totally out of whack or out of place when mounted on the truck.

The member for Algoma asked about the administration fee for the reinstatement of a driver's licence that had been suspended. We are thinking about that. We will be recommending a fee of \$25 to the regulations committee. According to my staff, that is the average cost of the administration of the suspension and reinstatement of a licence. Some will cost more because there are more warning letters and more registered letters sent out and so on. Others will cost less.

The intention is to have the person who has his licence suspended from time to time pay the cost of reinstating it, rather than having it paid by the general taxpayer, the law-abiding soul who does not get his licence suspended.

With regard to ambulance speed limits, which was another item raised by a number of members, many ambulance drivers have asked for that. The police, fire departments and so on have this legislation now. The ambulance people have been asking for it. The drivers and operators have been asking for it. The Metropolitan Toronto Police, the Ontario Provincial Police and the Ministry of Health have endorsed it.

What we are really doing to some degree is legalizing a practice that has taken place for many years, because in a real emergency ambulance drivers have been exceeding the speed limit. They were probably not being apprehended by the police because the police understood the emergency. That does not allow them to drive above the speed limit when they are not on an emergency run. I think that is in keeping with our other legislation that allows those types of vehicles to exceed the speed limit under certain conditions.

Of course, that does not allow the member for Brant-Oxford-Norfolk to exceed the speed limit unless he wants to buy himself an ambulance and have emergency runs back and forth to Toronto.

The member for Nickel Belt wanted to know what kind of a compromise this was. I think I explained that. There was no compromise whatsoever in establishing this length. In fact, the length was proposed by myself and my officials in response to Dr. Uffen.

I have not heard about the big wheels on trucks which was brought up by the member for Huron-Middlesex (Mr. Riddell). I can understand the problem they could create. If the wheels

are as large as he says, it would be a funny-looking vehicle, but it is something we should look into. I thank the honourable member for bringing it to my attention. It is not something I have heard about before. We will make a point of looking into that.

The member for Brant-Oxford-Norfolk mentioned the tragic accident in my home town of Milton where five or six young people were killed a few months ago. I understand the inquest was completed today. I have not had the results. I saw a little about it on the news.

**10:10 p.m.**

The recommendation about reflectors on the sides of railway vehicles is absolutely top-notch. It is a good one. It should be implemented. We will be putting that forward as a recommendation. It has gone forward before. It is not the first time that idea has been thought about. Unfortunately, I do not have any jurisdiction over the railways. I will have to make that recommendation to my colleague Mr. Axworthy.

I also appreciated the comments of the member for Brant-Oxford-Norfolk in support of the many excellent, courteous, truck drivers on the highways. I cannot agree with the other members who have spoken about them. There are bad apples in every barrel, but I think generally the truck drivers in Ontario are a professional group and do a really good job. Usually if I go along and some vehicle is in trouble, whom do I see stopping to help? It is a truck driver; it is surely not somebody in a Chevette.

**Hon. Mr. Walker:** The member for Prescott-Russell (Mr. Boudria) drives a Chevette.

**Hon. Mr. Snow:** I had forgotten.

The member for Prescott-Russell had his say about seatbelts on school buses; rather than take the time of the House, I refer him to last year's answer.

The orange triangle, which is the slow-moving vehicle symbol, is not restricted to use by farm vehicles; it is for any slow-moving vehicle. I certainly have not heard of or seen them being used or abused in any other way. If they are, I have not heard from the federation of agriculture of Prescott-Russell. In any case, I would be happy to look into that.

Front licence plates have been discussed many times. From a personal standpoint, I see very little use for them. We have considered that, but I have to tell members that my colleague in the Justice policy field, the Solicitor General, the police forces, the Ontario Police Commission, the Ontario Provincial Police and everybody



involved with law enforcement has continuously requested that we maintain the two licence plates.

I believe I have answered all the issues, except about the weigh scales. It seems my colleague the member for Erie and I get each other agitated every year discussing the Highway Traffic Act. We are not building more weigh scales, I do not believe, in any case.

**Mr. Ruston:** The ministry is making them bigger. It is taking land from farmers at half price.

**Hon. Mr. Snow:** The scales on the Queen Elizabeth Way are replacement scales; the new scale in Oakville is replacing the one at Dixie, which will be closed down. They are modern, automatic scales to deal with the volume of traffic we have today. The two new scales being built on Highway 401 at Milton are to replace the old ones down the road at Winston Churchill Boulevard.

**Mr. Haggerty:** Are they Canadian-made?

**Hon. Mr. Snow:** Yes, they are Canadian-made. I am sure they are Canadian-made. Everything we buy is Canadian-made.

I am not saying there are no new scales. We built new scales on Highway 402, and I think there is one other, but I just cannot think where we are putting it. Basically, we are trying to cover the highways where there is heavy traffic to be able to enforce the laws of Ontario. We check not only the weight but also licences, safety and many other things when the trucks go through those truck inspection stations. They are not just weigh scales as they were perhaps 20 years ago. They are very modern, sophisticated pieces of equipment, keeping up with the times and the technology of the day.

Motion agreed to.

Bill ordered for third reading.

House in committee of the whole.

#### MILK AMENDMENT ACT

Consideration of Bill 67, An Act to amend the Milk Act.

Sections 1 and 2 agreed to.

On section 3:

**Mr. Chairman:** Mr. Swart moves subsection 13(4) of the Milk Act, as set out in section 3 of the bill, be amended by deleting all the words after "the Public Service Act or" in the fourth line, and substituting therefor: "notwithstanding the provisions of the Public Service Act, the minister may empower employees of the ministry, board

or agency of the government of Canada to exercise such powers and perform such duties.

**Mr. Swart:** Mr. Chairman, I think I gave copies of this amendment to the minister and the critic for the official opposition.

I spoke on this section of the bill during second reading and I am not going to spend a great deal of time on it now. I understand its purpose as that the minister wanted changes in this section of the bill by adding the words "or may otherwise be appointed for such purposes by the minister." Perhaps I should read the section as it exists. It is subsection 13(4) of the act and section 3 of the bill:

"Such officers, field-men and other persons as are considered necessary for the exercise of the powers and the performance of the duties of the director may be appointed under the Public Service Act or may otherwise be appointed for such purposes by the minister."

I think everyone here knows the present section ends at the words "Public Service Act." The argument is made by the minister that in some instances there are or would be duplication of inspections etc. if the provincial Ministry of Agriculture and Food and the federal Department of Agriculture were to have separate people doing the job. Therefore, it would be advisable for the province to be able to name these inspectors from the federal Department of Agriculture to do this job for them.

This is a very reasonable request. However, the act as it reads is very broad. It means anyone under the director could be appointed outside the Public Service Act. The minister had indicated this is not the intention. At the present time I do not doubt what he says. However, I do not see why we should pass legislation that would give that very broad power of appointing people outside the Public Service Act in a very general way.

If my amendment does not go far enough to cover what he has stated he wants to do, then I am willing to consider a rewording of it. However, the government and this party are not prepared to give that blanket authority for the appointment of people outside the Public Service Act, as would be the case if no amendment is made to the section we have before us.

10:20 p.m.

**Hon. Mr. Timbrell:** Mr. Chairman, first of all, I think the amendment offered by the honourable member is unnecessary in that the intention of the section is clear. However, I will acknowledge that after reviewing the construction of this section, it could be subject to some



interpretation. I have some difficulty with the wording of the amendment proposed by the member.

I have discussed it with the staff of my ministry and I would like to offer him the opportunity to withdraw his amendment, if he would be satisfied with the following wording which we have devised. Basically it is a matter of legal craftsmanship. I think it meets his concerns and certainly meets the intention of the original wording. It would read as follows:

"Such officers, field-men and other persons as are considered necessary for the exercise of the powers and the performance of the duties of the director may be appointed under the Public Service Act or, where they have been appointed or designated as a grader or inspector under the Canada Agricultural Products Standards Act, may otherwise be appointed as a grader or field-man by the minister."

It is a matter of legal construction. I believe it is consistent with what was intended in the original wording. While I think any amendment unnecessary, in order to allay the member's concerns about any possible misuse or abuse of the wording as it is constructed, I ask the member to withdraw his amendment and I will propose the following:

**Mr. Swart:** Yes, Mr. Chairman, I am prepared to withdraw that amendment and have the minister move his because it accomplishes exactly the same thing.

While I am on my feet, I should say it is not only my concern, but also the concern of the employees of the ministry and of the Ontario Public Service Employees Union. With that comment, I will withdraw my amendment and be pleased to vote in favour of his.

**Mr. Chairman:** I thank the member. Mr. Swart has withdrawn his amendment.

**Hon. Mr. Timbrell:** Mr. Chairman, I will move this. I figure you would like a copy. You will have to take it from the material I have here. Shall I read it again?

**Mr. Chairman:** It might be an idea.

**Mr. Riddell:** Have you got copies of it?

**Hon. Mr. Timbrell:** I am sorry. I have no copies with me.

**Mr. Chairman:** Hon. Mr. Timbrell moves at subsection 13(4) of the act, as set out in section 3 of the bill, be struck out and the following substituted therefor:

"(4) Such officers, field-men and other persons as are considered necessary for the exercise of the powers and the performance of the duties

of the director may be appointed under the Public Service Act or, where they have been appointed or designated as a grader or inspector under the Canada Agricultural Products Standards Act, may otherwise be appointed as a grader or field-man by the minister."

Motion agreed to.

**Mr. Swart:** Mr. Chairman, I move that the bill be amended by adding thereto a new section 3 as follows:

3. Subsection 8(1) of the Milk Act be amended by adding thereto the following paragraph:

"16a. determining from time to time the maximum and minimum prices that shall be paid at the wholesale and retail levels for fluid milk products or any class, variety or size of fluid milk products, determining different maximum and minimum prices for different parts of Ontario, and prohibiting the sale of fluid milk products at prices above or below the applicable maximum or minimum prices."

I also move that the present section 3 be renumbered section 4 and subsequent sections be renumbered accordingly.

**Mr. Chairman:** With all due respect to the member, his proposed motion is out of order.

**Mr. Swart:** Mr. Chairman, on a point of order: Before you make that official declaration, I might ask for unanimous consent of the House to introduce this amendment. I suspected you might rule it out of order, even though there may be and are very sound reasons for having it in the bill.

Could we have unanimous consent of the House on such a very important issue as setting the price of milk? In Manitoba they have knocked the price down and in Quebec the price is substantially lower than it is in this province. We have no authority, as the Minister of Consumer and Commercial Relations (Mr. Elgie) has said over and over again. Perhaps I could ask for unanimous consent of the House to introduce this amendment and then we could proceed to debate it.

**Mr. Chairman:** I think most honourable members heard the member himself admit he recognized it was out of order. The question has been put. Do we have unanimous consent?

Interjections.

**Mr. Chairman:** We were asking the committee whether there was unanimous consent—

**Mr. Nixon:** No.

**Mr. Chairman:** I do not hear that; so I do have to abide by my original comments. The proposed amendment is out of order.

Section 3, as amended, agreed to.  
On section 4:  
**Mr. Chairman:** Hon. Mr. Timbrell moves that subsection 20(2) of the act, as set out in subsection 4(2) of the bill, be amended by inserting after “mark” in the ninth line, “packaging.”  
**Hon. Mr. Timbrell:** Mr. Chairman, this amendment is intended to correct one small omission we discovered in the subsection.

Motion agreed to.  
Section 4, as amended, agreed to.  
Sections 5 and 6 agreed to.  
Bill, as amended, ordered to be reported.  
On motion by Hon. Mr. Timbrell, the committee of the whole House reported one bill with certain amendments.  
The House adjourned at 10:30 p.m.

CONTENTS

Thursday, June 7, 1984

Second readings

<b>Reciprocal Enforcement of Judgments (U.K.) Act</b> , Bill 65, Mr. McMurtry, Mr. Nixon, Mr. Wildman, Ms. Bryden, agreed to .....	2275
<b>Highway Traffic Amendment Act</b> , Bill 45, Mr. Snow, Mr. Nixon, Mr. Wildman, Mr. Ruston, Mr. Haggerty, Mr. Laughren, Mr. Riddell, Mr. Mackenzie, Mr. Boudria, agreed to .....	2277

Committee of the whole House

<b>Milk Amendment Act</b> , Bill 67, Mr. Timbrell, Mr. Swart, reported .....	2294
--	------

Other business

<b>Adjournment</b> .....	2296
--------------------------	------

SPEAKERS IN THIS ISSUE

- Boudria, D. (Prescott-Russell L)
- Bryden, M. H. (Beaches-Woodbine NDP)
- Gillies, P. A. (Brantford PC)
- Haggerty, R. (Erie L)
- Jones, T., Deputy Speaker and Chairman (Mississauga North PC)
- Laughren, F. (Nickel Belt NDP)
- Mackenzie, R. W. (Hamilton East NDP)
- Mancini, R. (Essex South L)
- McMurtry, Hon. R. R., Attorney General (Eglinton PC)
- Nixon, R. F. (Brant-Oxford-Norfolk L)
- Riddell, J. K. (Huron-Middlesex L)
- Ruston, R. F. (Essex North L)
- Shymko, Y. R. (High Park-Swansea PC)
- Snow, Hon. J. W., Minister of Transportation and Communications (Oakville PC)
- Swart, M. L. (Welland-Thorold NDP)
- Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)
- Turner, Hon. J. M., Speaker (Peterborough PC)
- Walker, Hon. G. W., Provincial Secretary for Justice (London South PC)
- Wildman, B. (Algoma NDP)





# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**Fourth Session, 32nd Parliament**

**Friday, June 8, 1984**

**Speaker: Honourable John M. Turner**

**Clerk: Roderick Lewis, QC**

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Friday, June 8, 1984

The House met at 10 a.m.

Prayers.

## INVITATION TO DINNER

**Mr. Ruston:** Mr. Speaker, on a point of order: I have a dilemma as party whip. The Premier (Mr. Davis) has sent invitations to all members of the Legislature to be at a dinner next Tuesday night at eight o'clock. I realize they do not have to go, but it is apparently in regard to a water conference, and I am sure anybody who lives in the Great Lakes district is interested in any water conference.

I am in a dilemma as party whip as to how to approach this, because some of my members have said that if they do not go, there would probably be some sort of insinuation that they were not interested in good-quality water for the province; but if they do go, how do you run the Legislature?

My real concern is, I have never seen a time in my 16½ years here when every member of the Legislature was invited by the Premier to attend a dinner while the Legislature was in session and, as it happens, exactly at the same hour, and I think that is going a little too far.

**Mr. Speaker:** First of all, let me point out to the honourable member, as he must already know, that this is not a point of order. But I can appreciate your dilemma, and I am not going to presume to offer advice. In my own case my first responsibilities are here; each member must make that decision for himself or herself.

## STATEMENT BY THE MINISTRY

### BUSES FOR PHYSICALLY DISABLED

**Hon. Mr. Snow:** Mr. Speaker, in the recent budget it was announced that additional funds would be available to my ministry to assist municipalities in the purchase of special buses for the transportation of the physically disabled. I am pleased to be able to announce today that the Board of Industrial Leadership and Development has approved and is providing us with \$1.5 million this fiscal year for this purpose.

The subsidy will have two very important objectives. First, it will provide municipalities with the opportunity to purchase buses speci-

fically developed and designed to transport physically disabled persons as compared with the modified vehicles that are now in use. Second, it will provide Ontario companies with the operating experience to illustrate low operating cost and long-life benefits needed to market this product in North America, where there is very limited competition.

The \$1.5 million is to provide a 50 per cent subsidy for the purchase of special vehicles and will be available to any interested municipality. At this time, however, I am unable to say exactly which municipalities will be availing themselves of this opportunity because it is so new.

I can tell members, however, that Metro Toronto has expressed an interest in these specialized buses, and I anticipate that perhaps as many as 30 will be purchased for service in the Toronto area. Other municipalities across Ontario have also identified a potential need for 14 vehicles for the transportation of the physically disabled in this fiscal year.

The advantages in these buses for passengers include a low, flat floor and easy, unassisted access from short ramps, convenient access through wide doors, front-facing spaces for wheelchairs and adequate head room and aisle space. For the operators, they offer a longer vehicle life—10 to 15 years—as compared to the three to five years realized from the modified vehicles.

## ORAL QUESTIONS

### ADHERENCE TO MANUAL OF ADMINISTRATION

**Mr. Peterson:** Mr. Speaker, to whom do I ask a question?

**Mr. Boudria:** Where is everybody?

**Mr. Peterson:** I have a question for the Chairman of Management Board of Cabinet with respect to political activities and his Manual of Administration. I am sure the minister is aware of the section in the manual that deals with political activities, but if he is not, I will refresh his memory.

It says: "Except during a leave of absence granted to be a candidate in a provincial or federal election, a crown employee shall not... associate his position in the service of the crown

with any political party." As I said, that refers to federal as well as to provincial elections.

Is the minister aware of the case of Pauline Browes who is a commissioner with the Residential Tenancy Commission? She recently won the federal Tory nomination in Scarborough Centre after running a five-month campaign for the nomination. She took a leave of absence only in April, although she had been running for some time.

Why did the minister allow her to continue to violate the Manual of Administration and not take a leave of absence until late April, as was prescribed by the rules in his Manual of Administration by which Ontario is run?

**Hon. Mr. McCague:** Mr. Speaker, the Minister of Consumer and Commercial Relations (Mr. Elgie) was dealing with that matter. I might say that Pauline Browes was a member of the Residential Tenancy Commission. She did seek a leave of absence prior to seeking the nomination in that riding.

There was one problem. She had heard a couple of cases and it was decided it would be only appropriate that she write those up following her request for a leave of absence. She did not hold any hearings following that point.

**Mr. Peterson:** The minister actively encouraged her to violate his Manual of Administration. Is that what the minister is saying in this House? That is what the minister is saying.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** Let me go on and remind the minister of another section of the manual that says that no candidate shall "speak in public; or express views in writing for distribution to the public on any matter that forms part of the platform of a provincial or federal political party."

Perhaps the minister can tell this House why Nina Willcocks, a revenue manager for the Ministry of Consumer and Commercial Relations, actively sought the Progressive Conservative nomination in Scarborough West. She spoke in public, distributed leaflets and at no time sought or received a leave of absence from the civil service. Why is the minister not enforcing his own manual?

**10:10 a.m.**

**Hon. Mr. McCague:** I will answer the first part of the question, which asked why we were allowing somebody to break the rules. I am sure the member is sensible enough to understand that because it was her responsibility to write up those cases, it did not seem to make much sense to have

been in attendance at a couple of hearings, then have somebody else hear the cases over again to write them up. That is the reason.

As far as the second case is concerned, I am not aware of it. In both cases, however, it was the minister responsible who was dealing with that, and I would be completely willing to have the question redirected to him if the honourable member so wishes.

**Mr. McClellan:** Mr. Speaker, I had—

**Mr. Speaker:** Order.

**Mr. Peterson:** He redirected.

**Mr. Speaker:** Was that a redirection?

**Mr. McClellan:** Yes.

**Hon. Mr. Elgie:** Mr. Speaker, the Chairman of Management Board is quite correct with respect to Ms. Browes. When I was advised by the Residential Tenancy Commission's chairman of her indication to him that she would be seeking a nomination, he had the matter reviewed legally and determined that it would not be appropriate for her, as the Chairman of Management Board has said, to continue with any further hearings.

But she had been a panel member or a chairman in some 23 hearings, as the Leader of the Opposition (Mr. Peterson) knows from the letter written to him on June 4 by the chairman of the Residential Tenancy Commission. It seems most inappropriate that those 23 hearings should have to go through a rehearing process, so her resignation, although submitted within the time frame, was scheduled for a date that would allow her time to complete any role she had with respect to writing decisions in those particular cases.

In the case of Mrs. Willcocks, I am simply advised that for technical legal reasons there was no contravention of the Manual of Administration and if the Leader of the Opposition wishes me to obtain them for him, I shall.

**Mr. McClellan:** Mr. Speaker, I had alluded to Ms. Browes's candidacy when I asked a question last Friday with respect to the Residential Tenancy Commission's reversal of the precedent-setting 40 Earl Street decision. Does the minister not think it is really a denial of very fundamental justice, as well as a matter of propriety in the rules of the Manual of Administration, that a Conservative candidate, from what I hear this morning, is sitting in judgement on a precedent-setting matter before the Residential Tenancy Commission, namely, whether or not landlords should be required to prove whether a financial transaction is in fact an arm's-length transaction or not? Does the minister not think, in



the light of what we have learned today—that she was a declared candidate at the time she was writing this judgement—that this judgement should be overturned?

**Hon. Mr. Elgie:** Mr. Speaker, I can only reiterate what the Chairman of Management Board has said and what I have said. First of all, she was not a nominated candidate at the time; she was seeking a nomination and that did not occur until after the effective date of her resignation.

There were consultations with legal staff, with Management Board and with the Civil Service Commission, and it was deemed that it was in the public interest that there not be a rehearing of those matters.

**Mr. Peterson:** Mr. Speaker, it is obvious that the people over there interpret the rules very flexibly according to their own purposes on any given occasion. It is obvious that the Manual of Administration means nothing to either of these ministers, which is very disturbing.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** How does the minister explain, for example, the violations of the political partisanship rules with respect to the Deputy Minister to the Premier? One Ed Stewart is shown in a picture here carrying a PC football at a plant opening, clearly identifying himself as a Progressive Conservative even though he is the chief civil servant in this province. At the same time there was a member of the Conservative Party at this particular opening, and Dr. Stewart unabashedly was appearing there wearing his PC colours, as he did in the Hydro ads in the last campaign.

What conversations has the minister had with Dr. Stewart about his ongoing violations of the Manual of Administration? What disciplinary procedures is he going to bring to Dr. Stewart?

**Hon. Mr. Elgie:** Mr. Speaker, the member should redirect the question to the Chairman of Management Board.

**Hon. Mr. McCague:** Mr. Speaker, I have not seen that football the Leader of the Opposition is talking about; the one he is kicking around this morning I have heard about. But I will take a look at the picture, if he would send it over, and make an appropriate comment.

[Later]

**Mr. Speaker:** The Chairman of Management Board has the answer to a previously asked question.

**Hon. Mr. McCague:** Mr. Speaker, the Leader of the Opposition asked me this morning

about this picture he sent over to me. I understand this is a picture of Mr. Brown, who is holding a Liberal ball, and Dr. Stewart, who is holding a Progressive Conservative ball. This was at the opening of a sporting goods store in St. George to which the member for Brant-Oxford-Norfolk (Mr. Nixon) was invited. I am told Dr. Stewart also held the Liberal ball for a while, although he may not have liked that. However, the member for Brantford (Mr. Gillies) was our official representative there, and many pictures were taken. Oddly enough, they chose to print this one, and I do not intend to investigate the matter any further.

**Mr. Speaker:** The Premier on a point of order.

**Hon. Mr. Davis:** Mr. Speaker, as a further matter of clarification of this issue that the Leader of the Opposition raised in one of the two most important questions in all the public issues confronting the—

**Mr. McClellan:** What part of the standing orders does this come under?

**Mr. Speaker:** Does the member have a point of order?

**Ms. Copps:** Mr. Speaker, would you clarify for me—

**Hon. Mr. Grossman:** You can only have one point of order at a time.

**Mr. Speaker:** The Premier has risen on a point of order—

Interjections.

**Mr. Speaker:** If I may be so bold as to ask, how can we determine whether it is a point of order until we have heard it?

Interjections.

**Mr. Speaker:** And how often have I heard those words?

10:40 a.m.

**Hon. Mr. Davis:** I know the Leader of the Opposition would be very upset if this issue were not fully explained. In that he raised with the House the activities of my deputy minister and the Chairman of Management Board has given a partial reply, I should think he would be anxious for me to table all relevant correspondence.

I have a letter from Dr. Stewart to the member for Brant-Oxford-Norfolk and a reply from that member which I would like to read into the record.

“Dear Bob:

“This is a strange way for a product made in St. George to reach you. Some might suggest,

however, that in government getting everything turned around is no surprise at all.

"In any event, as you may know, through a friend of mine, Bob Huntington, who is also a friend of Doug Brown"—who I understand is a friend of the member from St. George, that other St. George—"I was invited to take part in the ceremonies held to mark the expansion of the Brown plant...."

This is a commercial enterprise that is very important to the community the very distinguished former leader of the Liberal Party represents.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Davis:** "On that occasion, Doug was handing out footballs, including the accompanying 'model' which was intended for you." The member quite properly could not be there. "I promised to carry out the delivery along with a counterpart that was prepared for the Premier. By some matter of chance, I ended up holding the Premier's ball when the Brant News took a picture of the occasion. You understand how these things happen.

"I hope the ball is of some use at an appropriate future occasion."

I think the record should be made totally full:  
"Dear Ed:

"Re red and white football f.o.b. St. George.

"Thanks for delivering the special gift from Doug Brown's official opening. I am truly sorry to have missed the occasion, since I am sure we might have done something more constructive with the Premier's ball."

That is very relevant. This is important for the record. The member raised it as one of his lead questions.

"I am sure you enjoyed your visit to Brant-Oxford-Norfolk. The Browns are extremely hospitable and we are fortunate to have them in our community.

"Best personal regards.

"Yours truly, Robert F. Nixon, MPP, Brant-Oxford-Norfolk."

Now the record is complete.

Interjections.

**Mr. Speaker:** Order, please. I would just like to point out to all honourable members that in an effort to be fair and even-handed in this matter, I patiently listened and waited for the member for Essex North (Mr. Ruston) to make his point. I think it is only fair that we have equal time on this side.

**Mr. Peterson:** Just so you know what is happening, Mr. Speaker, I have a supplementary to the Premier. Is the Premier aware that this picture of his deputy identifying himself—

**Mr. Speaker:** Order.

**Mr. Peterson:** He answered the question. This is a supplementary.

**Mr. Speaker:** Go ahead.

**Mr. Peterson:** What a strange place you run, Mr. Speaker. Why do you not take the weekend and read the rules of this House? How you are running this place is absolutely incredible. You allowed him to do whatever he did. You had better allow me to do whatever I am going to do right now.

**Mr. Speaker:** I have no objection and I was not—

**Mr. Peterson:** Good. I will go ahead then.

Interjections.

**Mr. Speaker:** Order.

I would point out to the Leader of the Opposition, and I do not mean to be provocative—

**Mr. Peterson:** Go ahead.

**Mr. Speaker:** —though he might—

**Mr. Peterson:** I might too.

**Mr. Speaker:** —he might just address himself to the standing orders, and particularly standing order 27(e) I believe it is, after the remarks that were made yesterday.

**Mr. Peterson:** I have a supplementary to the Premier, who has now shown up and found some correspondence that he thought was embarrassing and is not at all. What is embarrassing is this picture of his deputy clearly identifying himself with the Progressive Conservative Party in contravention of the Manual of Administration, which the Premier created but which he does not believe in and which he systematically violates through his colleagues and through the members of the cabinet. He is now paying close to \$300,000 to figure out what his own rules are.

Given the fact that this picture appeared on the front page of a Brantford newspaper, clearly identifying the deputy minister with the Conservative Party, would the Premier not agree with me that this would give the appearance to any objective, normal observer that this man now is politically tainted? Given also the history of his involvement in the government's ads in the last campaign, would the Premier not agree that there is evidence of clear violation of the Manual of Administration, which the Premier has created but which he does not believe in?



**Hon. Mr. Davis:** I am delighted the Leader of the Opposition wishes to pursue this subject as a matter of urgent public importance; so I am delighted to answer his question.

He asked me what I think of this picture. I can only say that I prefer this picture to the one I saw of the member on the front page of the *Toronto Sun* obviously auditioning for a performance in Swan Lake. I know the member thinks I am a cultural pygmy, but he does not have to carry his own enthusiasm for the ballet to the front page of the *Toronto Sun*. If I had to make a choice in pictures, I would choose this one.

This is a very able, dedicated public servant. He was a guest in the riding of the member's colleague. He was there at a plant operated by a friend of the member's colleague. The member heard what the member for Brant-Oxford-Norfolk said about Mr. Brown. He was given a ball to give to me. He was given a ball to present to the member for Brant-Oxford-Norfolk. What is Dr. Stewart to do? Is he to say: "I do not want to receive Mr. Nixon's ball. I am not to receive the Premier's ball"?

I can only say that the member should research these things more carefully and more thoroughly. If he would only talk to his former leader, he might understand just who got whose ball.

**Mr. Speaker:** Thank you very much. I think we have heard enough.

**Mr. Peterson:** Supplementary.

**Mr. Speaker:** Order. You already had the supplementary.

**Mr. Peterson:** Can I have a new question?

**Mr. Speaker:** Yes, it is time for a new question.

**Mr. McClellan:** Mr. Speaker, on a point of order: This is all a lot of fun, I am sure, but back-benchers have some right to ask questions in here. I am sure you will want to rule that that was the question from the Leader of the Opposition. The Premier was up on a point of order. The Leader of the Opposition asked his question; he can ask a supplementary, and then the rotation goes here.

**Mr. Speaker:** But I did not see anybody rise on a supplementary.

**Mr. McClellan:** We do not want a supplementary; we want our question.

**Mr. Speaker:** No. The next question is here, with all respect.

Interjections.

**Mr. Speaker:** Order. The member for Bellwoods was rising on a point of order, I think.

**Mr. McClellan:** Yes, Mr. Speaker. I was trying to explain to you that the Leader of the Opposition, in replying to the Premier's point of order, was asking a question. The Premier was not answering a question; that question was already answered. He was making a point of order. The Leader of the Opposition asked his supplementary, and the rotation comes back here.

**Mr. Speaker:** The Leader of the Opposition quite clearly rose on a supplementary, which I recognized.

**Mr. Foulds:** Mr. Speaker, on a point of order: I thought that leadoff questions, which I assume this football question was, were allowed two supplementaries.

**Mr. Speaker:** Yes.

**Mr. Foulds:** How is it that the Leader of the Opposition was offered three supplementaries?

**Mr. Speaker:** No, he was not.

**Hon. Mr. Davis:** He dropped the ball twice.

**Mr. Speaker:** Order.

10:15 a.m.

## YOUTH UNEMPLOYMENT

**Mr. Peterson:** Mr. Speaker, I have a question for the Treasurer with regard to the statistics released this morning respecting unemployment in Ontario. They are disturbing from a number of points of view. The national percentage is actually improving somewhat, but Ontario's position is deteriorating in percentage terms. Our unemployment has actually risen in the last month. There are 15,000 more unemployed youth this month than there were a month ago.

There have been three recent reports—the report of the Social Planning Council of Metropolitan Toronto, the report of the Ontario Manpower Commission and the federal youth report—which say that even the statistics, as revealed, do not tell the story. The real unemployment rate, that is the real number of unemployed young people, is much higher than revealed in the statistics. I want to know from the Treasurer, who is the chief policymaker, his estimate of the real unemployment rate among youth in this province. How many unemployed youth do we have in this province? What is his opinion?

**Hon. Mr. Grossman:** Mr. Speaker, a far more important thing than my opinion about Statscan's, the social planning council's or anyone else's estimate of the number of unemployed young people, and which is the most accurate, is the fact that we are now mounting a

series of programs that will have an opportunity for every one of them, regardless of the number. I will tell the member quite openly that we are trying to identify all the young people, whether they show up statistically or not. If the member read the budget carefully—

**Mr. Peterson:** How can the minister do that if he does not know how many there are?

**Hon. Mr. Grossman:** If the member read the budget carefully—

**Mr. Peterson:** It took about three minutes to read the budget carefully.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** —he would understand we are—

**Mr. Peterson:** Continue. Stop interfering with him, Mr. Speaker.

**Mr. Speaker:** No. Supplementary, please.

**Mr. Peterson:** If the Treasurer is going to say to read his budget carefully, which, as I said, took about three minutes to do, and look for statistics, there were none.

Let me ask him about a specific program. He announced an Ontario youth tourism program that would presumably produce 2,500 jobs. Is he aware there have been no conversations with Tourism Ontario? They have not been consulted on the details. No one knows when that is going into operation or if it is going into operation for this summer. As the minister may be aware, the tourist season has already started. Will he have this program in place in the summer areas by September, October or November when the tourism season is finished?

**Hon. Mr. Grossman:** The answer to that is, yes, we will. The information the member has is completely wrong. Conversations have been held. The member is mistaken once again.

**Mr. Foulds:** Mr. Speaker, in spite of the number of programs the Treasurer announced, will he now admit that young people in this province have a very slim chance of getting a job this summer and this winter? For how long does the Treasurer think young people in this province can take the answer “no” when they go to apply for a job? How many years does he expect them to take the answer “no,” time after time, without some serious social unrest unleashing itself in this province.

**Hon. Mr. Grossman:** Mr. Speaker, let us agree that no one in this assembly wants to have a circumstance continue where young people are expected to sit idly by during the important years of their lives and get neither educational training

nor employment. Everyone accepts this. There is no period of time when that is acceptable or expected. Where I believe the member and I differ on the question—

**Mr. Foulds:** It is the Treasurer’s job to do something about it.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** —is with regard to what to do with those young people and what the alternatives are over the next period of time. I firmly believe the option the member has invited us to undertake, which is a simplistic and old-fashioned option of make-work projects to get them something for a few weeks or a few months, does nothing for them. It keeps them happy for a few months. I admit it is better than nothing, but it certainly is not better than retraining them.

**Mr. Foulds:** The government is doing nothing.

**Hon. Mr. Grossman:** The member might want to hold to the proposition that we are doing nothing, but while I was reading my budget statement, he and his colleagues were moaning and complaining that the essence of our many new youth programs was stolen from his party. That is wrong. There were many initiatives in there. As the third party scurried for some ground, they were not using the argument they are using today that we did nothing. They were saying all the things we had done, since they were so good, must have been taken from the third party. That is incorrect.

**Mr. Peterson:** We have talked to the executive director of Tourism Ontario, and the Treasurer’s facts are wrong again. The Treasurer told me to read the budget for the details. There are no details in his budget. His colleagues do not know the details in his budget.

Is the Treasurer aware that the Provincial Secretary for Social Development (Mr. Dean) wrote to my colleague the member for Huron-Bruce (Mr. Elston) and said, “As you know, the recent budget announced increased expenditures for youth employment programs? I will be pleased to provide you with further details of the new programs as they are developed.” He does not know the details and the Treasurer does not know the details. Who does know what is going on over there?

We want stats, we want specifics and we want jobs now. When is the Treasurer going to get off his duff and do something, as opposed to that silly rhetoric he is giving us constantly, day after day, in this House? He has all public relations,



but no programs. When are the jobs coming forward?

**Hon. Mr. Grossman:** Let us understand one thing. I would admit immediately that if we had accepted the 1950s economics of David Peterson we would have sent a lot of kids out to paint fences tomorrow afternoon. We would be able to stand up in this assembly and pretend politically we had solved the problem by taking, to use the Liberals' own program, \$100 million to create 14,000 positions. That is their version of trying to help young people. They should get out there and talk about that program. I hope they will. It will not stand up.

Juxtaposed against that, we are making the kind of long-term—

**Mr. Peterson:** Juxtaposed against nothing.

**Hon. Mr. Grossman:** Juxtaposed against that, we are taking that amount of money and more and investing it in retraining for those young people.

**Mr. Peterson:** Look at the results. They are getting worse and worse.

**Hon. Mr. Grossman:** The Leader of the Opposition did much better with plastic book-marks than he is doing now. He should stick to them.

## RETUBING OF NUCLEAR REACTORS

**Mr. Foulds:** Mr. Speaker, I have a question for the Minister of Energy. With the information this morning that was given at the Ontario Energy Board hearings, is the minister aware that the cost merely of retubing two reactors at Pickering has risen to almost twice the original price of the four reactors at Pickering? Does he not think that is good cause to give Ontario Hydro instructions that it should stop its mindless pursuit of nuclear power and its goal of trying to achieve 66 per cent of electricity produced in this province through nuclear energy?

**Hon. Mr. Andrewes:** No, Mr. Speaker.

**Mr. Foulds:** Is the Minister of Energy not aware that the cost of retubing the two Pickering stations will cost each man, woman and child in this province \$150. Does he not think that is an outrageous figure for the cost of nuclear power added on to the original cost, when nuclear power was sold as being a cheap source of electricity?

**Hon. Mr. Andrewes:** Mr. Speaker, I think the member is again speculating on these costs. These costs have not been fixed. Perhaps Mr. Morison, in presenting this information, indicated that a definitive estimate of these costs is

being prepared and will be presented to the Ontario Hydro board at a future date. The original cost estimate of \$420 million is the current figure being placed on the cost of retubing Pickering units 1 and 2. That will affect the 1985 rate by approximately three quarters to one per cent.

**Mr. Peterson:** Mr. Speaker, the minister will recall that we put out a press release shortly after Hydro's information came forth with respect to the cost of that retubing. We said then it would be at least \$1.2 billion. Does the minister recall that was pooh-poohed by him and by Hydro at the time? Now, very clearly, that is going to have a major impact on Hydro and the subsequent increase in rates. It is the minister's responsibility to tell this House what that is going to do to rates. What is his opinion?

**Hon. Mr. Andrewes:** Mr. Speaker, I am glad the Leader of the Opposition and Mr. Claridge of the Globe and Mail can agree on something. I feel it is important we keep these costs in context. The original estimate for the repairs at Pickering units 1 and 2 of \$420 million, allowing for inflation and interest, might escalate to approximately \$520 million over the period of time required for the retubing. A definitive estimate is under preparation and will be ready by September 1984.

Mr. Morison gave this evidence before the Ontario Energy Board yesterday. He was asked how accurate the initial estimate was likely to be and he said within 20 and 25 per cent, which gives a possible cost of \$650 million for the total retubing.

**Mr. Foulds:** Mr. Speaker, I suppose 25 per cent on \$500 million is not bad. That is a lot of money—

**An hon. member:** Four hundred and fifty million dollars.

**Mr. Foulds:** Within 25 per cent on \$450 million. I know it was before the minister's time as Minister of Energy, but is he aware that the cost of power from Pickering A was supposed to be 1.4 cents per kilowatt hour? That is the figure that was used by the Premier (Mr. Davis) in the early 1970s to convince the public that nuclear power is cheap.

Can the minister come clean with this House? Can Hydro come clean with the people of this province? Can they tell us what the true cost of nuclear power is and what it is going to be with escalating costs? The minister himself says the costs are not fixed.

**Hon. Mr. Andrewes:** Mr. Speaker, I am sure the member recognizes why the costs cannot be fixed. The costs for the actual materials can be estimated fairly accurately. The costs of wages and the costs of interest on borrowed capital cannot be estimated so accurately, nor can the ongoing costs of research and development of equipment required in this retubing procedure. I can only remind the member that Ontario Hydro has one of the lowest rates in North America. It has one of the lowest rates in Canada and will continue to have, based on the wisdom of that investment in the nuclear industry.

### TAX BURDEN

**Mr. Foulds:** Mr. Speaker, I am sure the Treasurer is aware that the provincial government sacrifices between \$750 million and \$1 billion in corporate tax revenues through the corporate tax incentives his government offers.

How does the Treasurer justify shifting the burden of taxation from corporations such as Northern Telecom and CCL Industries, which, by the way, paid no corporate income tax in its last year and does not plan to until 1988, to personal taxes on a family of four earning \$15,000, which in this province is the group paying the highest personal taxes in the country?

10:30 a.m.

**Hon. Mr. Grossman:** Mr. Speaker, with regard to those kinds of measures, those companies may be taking advantage, and I am sure they are, of a lot of incentives that have been built into the system to get them to invest and expand through research and development.

I think he mentioned Northern Telecom, one of our best growth industries. The net result of all that activity is that a lot more people are working and are employed in the system, which is exactly the subject matter of his immediately preceding question to me.

The member may propose that we should employ people by running up the deficit and spending a couple of hundred million dollars hiring them on government payrolls. I think we cannot make a better investment than to get those people real jobs in the private sector. The proof of the success of that is the fact that, as everyone now acknowledges, Ontario has far and away led Canada through this economic recovery. That is not unrelated to the circumstances we have structured to allow great private sector job growth.

**Mr. Foulds:** Is the Treasurer aware that, by statutory income tax rate, Northern Telecom owed \$155.4 million and actually paid, after all

its write-offs, something like \$23.4 million? In other words, its rate was 48 per cent, but its actual payment was seven per cent.

Does the Treasurer not think that kind of write-down would be even more justified in the personal tax sector? Does he not think that people and families in this province would love to be able to defer their personal provincial income taxes and their Ontario health insurance plan premiums so that they had an effective tax rate of only seven per cent instead of the 30-odd per cent they pay now?

**Hon. Mr. Grossman:** I think what those people would really prefer is to be employed and that is the whole object of the exercise. The whole object of the exercise is to find opportunities for those companies to grow and expand.

Fortunately, the member's party will not have the opportunity to find out from bitter experience, but one way to make sure those companies do not grow and expand, one way to make sure research and development is done in the United States, and one way to make sure we have plant closures, not plant expansions, is to make sure we are not competitive in those incentives. It is to make sure we do not have a tax system that encourages reinvestment in R and D to be done in this country and, instead, to use the Co-operative Commonwealth Federation-New Democratic Party Regina Manifesto theory of economics, so to speak, to tax the big corporations and everyone will be happy.

That is just not right. It does not work. The proof of how much the public thinks that works is their party is at 12 per cent and dropping.

**Mr. Peterson:** Mr. Speaker, I assume we are going to get into the harangue we have had before. My friends on the left will harangue the corporate sector, the Treasurer will defend it and it will not be a meaningful dialogue.

One of the realities is that we do not have good information on the costs and benefits of the tax expenditures. Tax expenditures now take literally billions and billions of dollars in this country. Some time ago I brought a bill before this House asking for a cost-benefit analysis of those tax expenditures. The Treasurer does not know at this point how many jobs he is creating or saving by offering tax expenditures.

Will the Treasurer, in the spirit of openness, budget consultation and sharing his problems with the world, undertake to do cost-benefit analysis studies on those tax expenditures to determine whether we are hitting the targets and whether we are getting real value for the tax



dollars expended? Will he undertake that commitment?

**Hon. Mr. Grossman:** Mr. Speaker, let me offer the observation that while he may hear predictable positions from the NDP and what he considers to be, accurately, a predictable position from us on this side, no one has ever accused us of being able to predict which of those positions the Leader of the Opposition will be taking either here or on any public platform. I must say, in retrospect, if we knew what platform he was speaking on, we would be able to predict which of those positions he would be taking. We understand he would be comfortable with these two and a variety of others from time to time.

On the question of tax expenditures, he should think back, if he can, to the time when he was finance critic for his party. He should think back to the accuracy and value of pretending there is a definitive analysis to be done.

Let us look at last year's retail sales tax holiday for furniture and appliances. On the basis of the number of items that were sold without tax, we can estimate what the revenue loss apparently is, but no one will ever know how many of those would have been sold anyway. No one will ever be able to measure with finality or absoluteness the number of jobs that were created. What one does is estimate that this is an important thing to stimulate that sector. Let us be sensible; we will never have a definitive answer on that sort of thing, whether it is retail sales tax, corporate income tax or personal income tax. Anyone will tell the member that.

**Mr. Foulds:** The Treasurer indicates that companies such as Northern Telecom get these large tax incentives so they can keep employment in Canada. Can he explain why, in the seven years since 1976 to 1983, Northern Telecom increased its total employment by 67 per cent while its Canadian employment increased by only 10.4 per cent? In other words, Canadian jobs in that company account for only 54 per cent of the company's total employment. Are not the tax incentives of the Treasurer creating jobs in Northern Telecom outside the country?

**Hon. Mr. Grossman:** That is really silly. Let us begin by acknowledging that the member just blithely tossed off the fact that only 10 per cent of their job growth occurred in Canada. That is a lot of jobs; it did create a lot of jobs in Canada.

Second, if we look at the various reasons they have been able to expand in other countries, it is because, for once, Canada has been able to build multinational companies based in Canada that are able to operate in other countries, therefore

creating revenue for Canada by helping improve our balance of payments. That is exactly the kind of thing the member has been crying for years that we need in Canada. Then when we have work and it creates jobs both in Canada and in other countries, he is complaining about that too.

If we are successful, that is the kind of company that results from this sort of thing. We should not be complaining about it; we should be looking for more opportunities to do that.

10:50 a.m.

#### USE OF GOVERNMENT AIRCRAFT

**Ms. Copps:** Mr. Speaker, I would like to move over from the issue of football to the issue of baseball. I would like to ask a question of the Premier regarding the use of government aircraft to go to sporting events, even in other countries.

I know the Premier is a great sports aficionado; all of us accept that and recognize it. While I realize that his adherence to the Toronto Argonauts is misplaced, that particular aspect does not raise my ire. What raises my ire, and what certainly raises questions among the unemployed people in my riding, is the personal use of government aircraft by the Premier for such things as the trip that he, the infamous Ed Stewart, that civil servant, and the Minister of the Environment (Mr. Brandt) recently took to a baseball game in Detroit.

I wonder whether the Premier can tell the House, first of all, what his stated policy is on personal use of government aircraft; and second, just how much he personally paid for the trip that he and his invited guests took to the baseball game in Detroit.

**Hon. Mr. Davis:** Mr. Speaker, I am delighted the honourable member asked the question. The policy has been stated here on several occasions, but I will review for the member what the policy is and try to explain to her the circumstances of what transpired.

At rather a late date, I determined after checking with the whip that there was no supply motion on Tuesday evening. I had been at Millcroft on Monday and a good part of Tuesday. I left Millcroft about mid-afternoon to meet with certain people in my own constituency.

I then met with the new Canadian head of Honda Motor Co. Ltd. to express my appreciation to him in the presence of his colleague from Japan. We had that meeting close to Malton international airport, at which time I expressed to him my delight and enthusiasm. We discussed the potential expansion of that facility some time



down the road. It was a helpful and worthwhile discussion.

As is my custom on occasion, and I make no apologies for it, I go to the odd recreational event. In case the member thinks that is only in the sporting world, my wife and I intend to go to the opera this evening. If the member happens to be present, as I know her leader will be, I will be delighted to chat with her.

On occasions when I determine to go to some event and there are obvious timetable scheduling problems, I avail myself of government aircraft as I have been requested to do by certain security people.

It was a personal trip to Windsor. I did not fly into Detroit. I want to make that clear in case the member is under any misapprehension. We left the airport at Windsor and travelled across to Tiger Stadium in Detroit to support the Blue Jays in what I think is a natural interest on the part of many of us in establishing, in the United States, their credibility and the important role they play in promoting Toronto and Ontario across all of North America.

I can say to the member, the policy is very simple. It has been stated before—

**Mr. Peterson:** Did Ed Stewart carry your ball?

**Hon. Mr. Davis:** As a matter of fact, Dr. Stewart did not carry my ball. He did not carry the member's colleague's ball. Now that the member's leader has dropped several balls on several occasions and struck out so many times, I would have thought he would have let his colleague now carry the ball for him.

The policy is very simple. I explained it to the press some years ago. I will explain it to the member. When it is strictly a personal trip on my part, the taxpayers do not pay a nickel.

**Ms. Copps:** Notwithstanding the first minister's heavily charged agenda, there are a number of members on all sides of the House who work 70, 80 and 90 hours a week. The first minister has avoided the main question: how much did he pay? We do not know how much that payment has been. How much is he actually getting below market value?

Why could the Premier, Ed Stewart and the Minister of the Environment not follow the normal procedure taken by all other members of the House and travel by Air Canada or other commercial airlines? Does the Premier not think it is little difficult for unemployed people across Ontario to see him and his civil servants travelling in government-owned aircraft at a time when they cannot even find jobs in Ontario?

**Hon. Mr. Davis:** I want to assure the member that on those rare occasions when I use government aircraft for what is obviously a personal trip—there is no argument about it whatsoever and I have never been reluctant to state it—I pay exactly what is involved in the chargeback to the various ministries, the hourly rate that is part of the stated cost for whatever aircraft it may be.

If the member thinks many ministers of the crown of the government of Canada have a comparable policy, I suggest she check with her close friend Mr. Munro.

**Mr. Breagh:** Mr. Speaker, when the Premier arrived at the Windsor airport, how many federal government jets were parked there for federal cabinet ministers?

**Hon. Mr. Davis:** Mr. Speaker, everywhere I travel I find the number of federal government jets, whether it is out at Vancouver, for whatever purpose, to be far greater than any provincial aircraft we ever observe, and the member for Hamilton Centre knows it.

**Hon. Mr. Grossman:** Give the Liberals another question.

**Mr. Speaker:** Order.

#### ASSISTANCE FOR JOB SEEKERS

**Mr. R. F. Johnston:** Mr. Speaker, I have a sense that the Treasurer is right and my question is going to be wasted today, but I have a serious question I would like to ask him concerning the problems of the unemployed in finding work.

I wonder whether in a very practical sense he would agree that it is a good time to help those people who are looking for work but do not have much money. Would he not agree that it would be a good time to help them with transportation costs which they have to undertake to look for work?

As the Treasurer knows, just to meet the requirements for job search, an unemployed person in Toronto will be spending about \$4 a day now on Toronto Transit Commission fares. That is about \$20 a week, which is a fair amount. Does the Treasurer not think it would be a good thing to give an incentive to communities such as Toronto, and to the transportation authorities, to subsidize the fares of those people who are unemployed and looking for work to help them find employment?

**Hon. Mr. Grossman:** Mr. Speaker, I am not sure whether that is precisely the best mechanism to help them. Considering the cost of seeking employment, it is probably a worthwhile idea. It is something I shall have a look at together with



my colleagues, the federal government and municipalities.

**Mr. R. F. Johnston:** I would appreciate it if the minister would do so. He is probably aware that certain municipalities such as Hamilton-Wentworth are already subsidizing fares. Now, instead of paying a \$30 fee for a monthly pass, an unemployed worker there can get it for \$17. The municipality figures it will cost about \$250,000 a year to maintain that program.

Would it not be appropriate for the Treasurer to do exactly what he is saying; that is, get some agreement with the federal and provincial governments to assume that responsibility for that subsidization? Surely the primary responsibility for the welfare of those people and the assistance with re-employment belongs to this government and not that of the municipalities.

**Hon. Mr. Grossman:** I have only heard the honourable member advance this suggestion this morning. It is my guess that there are more cost-effective ways to attack that problem through the various community-based and government-based organizations which help people directly in getting some assistance. It may not be through the mechanism the member is suggesting. In any event, I will review it with my colleagues.

I think the question is to find the best way to make sure all the assistance we want to provide is effectively used by job seekers. I shall review that with my colleagues.

**Mr. McGuigan:** Mr. Speaker, when the Treasurer is reviewing that, will he take a look at some of the smaller communities? The ones that particularly affect me are in Elgin county. I am referring to communities that have about 800 or 1,000 people.

When a welfare recipient is sent on a job search, he can normally do that in the morning because there are only a very limited number of jobs in those small communities. But he is often told he will have to drive 30 or 40 miles to St. Thomas or to London, and he does not have the money for that. The Treasurer knows as well as I do that there are no jobs for them in those areas anyway.

It is a particular problem in the smaller communities. A little bit of common sense on the part of the administrators would be of great help.

**Hon. Mr. Grossman:** Mr. Speaker, I will review that. One does hope the various support mechanisms in place for the unemployed would have in them a sufficient component to allow a reasonable job search. I will be happy to review that together with the initial request.

**11 a.m.**

## FARM CREDIT

**Mr. Riddell:** Mr. Speaker, I have a question of the Minister of Agriculture and Food. It concerns farmers who are having enough difficulty putting shoes on their children's feet and cannot afford the luxury of getting into a government aircraft to fly to a baseball game in some other part of the country.

The former Deputy Minister of Agriculture and Food, Duncan Allan, told Bruce county farmers in February 1982 that the province would seriously consider setting up its own farm bank if the farm credit problems became chronic and persisted for more than a year. Farm credit problems have persisted for more than two years since Mr. Allan made that promise. The situation shows no signs of improvement, with 15 per cent farm credit interest rates, bankruptcies continuing to increase and bank interest rates going up.

In view of these facts, can the minister tell us exactly what action has been taken on the provincial farm bank idea and when farmers can expect to see some action on this promise, so affordable long-term and short-term loans at eight per cent interest rates can be made available to farmers in this province?

**Hon. Mr. Timbrell:** Mr. Speaker, since February 1982 there have been a number of developments in the farm credit area. First of all, I am pleased to say that based on the statistics I have seen to date for calendar 1984, farm bankruptcies in Ontario are not going up. They are down from the 1982 levels and they are at the same levels as 1983, unlike other provinces such as Quebec where bankruptcies in the first quarter of 1984 were 100 per cent more than in 1983.

Second, since then we have introduced programs such as the beginning farmer assistance program. This is providing to beginning farmers eight per cent interest rates for the first five years of their farming careers. As of last Friday, we have signed up 757 applicants under that program, with average indebtedness of \$131,000 to \$132,000.

Third, we have advanced a proposal to the federal government on several occasions, and we will be going back to it in the very near future, with respect to agribonds. I have no plans to propose the establishment of a provincial agricultural bank. I will offer again, in what I think will be a creative way and a way I hope the federal government can accept, particularly since it has been committed since 1980 in its official federal Liberal Party platform to support agribonds, my



proposal, which, in effect, is for a sharing of the costs by the federal and provincial governments of a program targeted to a broader group than we have been able to assist to date.

**Mr. Riddell:** I think we can understand now why the former deputy minister Duncan Allan is no longer with the ministry. As the minister has often stated, "You can make figures do anything." In 1982, we had the highest bankruptcies of any province in Canada, yet the minister takes delight in saying bankruptcies are no higher than in 1982, when they were the highest they have ever been in the history of this province. Shame on the minister.

**Mr. Speaker:** Question, please.

**Mr. Riddell:** In view of the—

**Hon. Mr. Timbrell:** Mr. Speaker, on a point of order: In fact, I said—

**Mr. Riddell:** I am asking the questions. The minister will have a chance to answer later on.

**Hon. Miss Stephenson:** Such arrogance.

**Ms. Copps:** We learned it from the Minister of Education.

**Mr. Speaker:** Order.

**Hon. Mr. Timbrell:** I said the incidence of bankruptcies has declined from what it was in 1982 while it has gone up in virtually every other province.

**Mr. Riddell:** What a comparison to make; 1982, a time when there were a terrific number of farm bankruptcies.

In view of the very significant effect the farming industry has had on spinoff industries such as farm machinery—the minister will be aware of the recently announced layoffs by the John Deere farm machinery company because of the failure of the farm financial situation to improve—and in view of the disadvantage our farmers face from the financial assistance programs offered by other provinces to farmers, does the minister not feel it is now time to take some positive action to give our farmers some sense of security in the future of our agricultural industry?

In case he wants to get up and answer, "We are going to get a tripartite stabilization program in effect," which we have listened to for over two years, did the minister read the article, entitled "Provinces Losing Enthusiasm for Beef-Hog Plan, Aide Says"? This was an aide to the federal Minister of Agriculture. The minister has been talking about it for over two years, and the chances are it will not materialize. He is prepared to see our farmers go down the drain. Why does

the minister not do something for the farmers in this province?

**Hon. Mr. Timbrell:** Quite frankly, debating with the honourable member at times reminds me of having a battle of wits with an unarmed opponent.

The aide to whom he refers is a recent entry into—

**Mr. Breaugh:** Which one of you is supposed to be unarmed?

**Mr. Laughren:** That makes the odds even.

**Mr. Speaker:** Order.

**Hon. Mr. Timbrell:** The aide to whom he refers is someone who has recently entered the office of the Minister of Agriculture in Ottawa. There is no foundation whatsoever for the comment attributed to him. The position of the federal minister still was, as recently as a couple of weeks ago when we checked with his deputy minister, that he is going to submit the necessary amendment to the Agricultural Stabilization Act in this session of Parliament. That is a firm commitment of the federal minister. He has given his word to the provinces and to producer organizations.

Once that is done, we can and will finalize the agreement at the July 23, 24, 25 meeting of the ministers of agriculture. We are very confident there will be three or four provinces involved at the outset, and perhaps several others, and that we can begin to put these programs in place this fall. Four out of the five of them are quarterly programs.

The honourable member refers to credit programs in other provinces. If you look closely at the credit programs in most of the other provinces, either they are limited with respect to the farmers who can apply—that is, either beginning farmers or distressed farmers—or they are not as generous as the member might like to suggest, in that many of the other provincial programs are at prime, prime plus one or some formula like that.

Let us not fool ourselves or anybody else. It is impossible for any one provincial government to develop a credit program to be all things to all people. I think it is possible that by working together with the federal government we could develop an agribond program that would target a much wider population than we are able to assist today.

**Mr. Swart:** Mr. Speaker, I would like to put a supplementary to the question that had to come at some time, I suppose, from the member for Huron-Middlesex (Mr. Riddell), with his long-



term record of supporting high interest rates to the farmers.

I would like to ask the minister if he has actively explored with the Farm Credit Corp. a program whereby his government could become involved in a joint effort to provide substantial additional long-term financing at a low interest rate for the farmers of this province.

There is no question that he has done far less than the other provinces. It is obvious that he is not going to do anything on his own.

**Mr. Speaker:** Question.

**Mr. Swart:** Will he at least explore this possibility so that more money can be made available at low interest rates to meet the desperate need of the farmers in this province?

**Hon. Mr. Timbrell:** Mr. Speaker, if anyone were to make an objective analysis, I would not say we have done more than any other province, but I would say we have certainly done as much as or more than most of the other provinces. As I indicated, most other provinces' credit programs are targeted to specific groups or are at rates that are certainly not of the order the honourable members opposite have mentioned, whereas we have a very successful program in the beginning farmer assistance program at eight per cent that by July or August will have covered about 1,000 applicants.

When we began the beginning farmer assistance program, we proposed to the federal government that it would be exclusively an Ontario-FCC program; in fact, I had a commitment from the federal minister to that effect. Then all of a sudden the FCC ran out of money and we had to broaden the program to include other lenders.

We have proposed with respect to agribond that it be a joint federal-provincial program limited to FCC if they see fit; that would still be my position if it were prepared to operate in that way. What I want is a commitment from the federal government that it will play in any way at all.

**Mr. Speaker:** The time for oral questions has expired.

**Mr. McClellan:** Why do you not add 30 minutes to question period?

**Mr. Speaker:** I think we added almost eight.

## PETITIONS

### EQUAL PAY FOR WORK OF EQUAL VALUE

**Mr. Kolyn:** Mr. Speaker, on behalf of the member for Lambton (Mr. Henderson) I table the following petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas women in Ontario still earn only 60 per cent of the wages of men; whereas women are still concentrated in a very small number of occupations; and whereas unanimous approval of the concept of equal pay for work of equal value was expressed in the Ontario Legislature in October 1983,

"We petition the Ontario Legislature to amend Bill 141 to include equal pay for work of equal value and to introduce mandatory affirmative action."

Mr. Speaker, I also have another petition on a different matter.

## INDEPENDENT SCHOOLS

**Mr. Kolyn:** Mr. Speaker, on behalf of the member for Lincoln (Mr. Andrewes) I table the following petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to appeal to petition the parliament of Ontario as follows:

"As resident electors many of us send our children to independent schools because we believe parents have a prior right to choose the kind of education that shall be given to their child. Most independent school supporters are people of modest means.

"We ask your help in reducing the unfair tax burden of what, in effect, is double taxation. Our school operates in the public interest. We ask for protection for the right of our school to its existence and the remission of taxes taken away by the province of Ontario but not used for the education of our children."

11:10 a.m.

## MOTIONS

### COMMITTEE BUSINESS

Hon. Mr. Eaton moved that in the standing committee on social development, the estimates of the Provincial Secretariat for Social Development be considered before the estimates of the Ministry of Community and Social Services.

Motion agreed to.

### BUSINESS OF THE HOUSE

Hon. Mr. Eaton moved that notwithstanding standing order 64(a), when the House sits in the chamber on Wednesday, June 13, 1984, private members' public business be taken up following the routine proceedings.

Motion agreed to.

## INTRODUCTION OF BILLS

### LABOUR RELATIONS AMENDMENT ACT

Mr. Haggerty moved, seconded by Mr. Newman, first reading of Bill 97, An Act to amend the Labour Relations Act.

Motion agreed to.

**Mr. Haggerty:** Mr. Speaker, the purpose of the bill is to provide a mechanism whereby the Lieutenant Governor in Council can order a 60-day suspension of a strike or lockout and order a return to work if the strike or the lockout constitutes an immediate and serious danger to life, health and safety or seriously disrupts the economy in any area of Ontario.

The bill provides that the Minister of Labour (Mr. Ramsay) must appoint a conciliation officer where an order suspending a strike or lockout has been made and may subsequently appoint a conciliation board where the efforts of the conciliation officer to effect a collective agreement are unsuccessful.

If conciliation efforts are unsuccessful, the strike or lockout may be resumed without a further strike vote.

An order made under this bill would be enforceable as an order of the Supreme Court.

### GOOD SAMARITAN ACT

Mr. Haggerty moved, seconded by Mr. Newman, first reading of Bill 98, An Act to relieve Persons from Liability in respect of Voluntary Emergency Medical and First Aid Services.

Motion agreed to.

**Mr. Haggerty:** Mr. Speaker, the purpose of the bill is to relieve persons from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

### REPORT OF COMMITTEE

**Mr. Robinson:** Mr. Speaker, on a point of privilege to correct the record: On Thursday, March 1, 1984, the standing committee on social development was discussing recommendations to the Ministry of Community and Social Services with regard to the draft Child and Family Services Act, with specific attention to adoption disclosure.

While the committee did not reach a consensus on retroactive disclosure of adoption information, there was general agreement that the ministry should explore a new system to provide

a more active registry when current adoptees reach the age of majority. This consensus was overshadowed by further discussions in committee on the number of interests to be a party to this active registry.

As the then chairman of the committee, I must accept the responsibility for this omission in the final report of the committee to the House on the draft legislation.

As a result of this omission, the Minister of Community and Social Services (Mr. Drea) could not possibly have responded to the committee recommendation for revamping Ontario adoption disclosure procedures in a legislative way.

**Mr. Speaker:** I thank the member. Interesting as that may be, I have to point out the record should have been corrected in committee, not in the House.

## ORDERS OF THE DAY

### CHILD AND FAMILY SERVICES ACT

Hon. Mr. Drea moved second reading of Bill 77, An Act respecting the Protection and Well-being of Children and their Families.

**Hon. Mr. Drea:** Mr. Speaker, I have some remarks, but I first would like to express my appreciation to the member for Scarborough Ellesmere (Mr. Robinson) for the clarification of the record. It may seem somewhat inappropriate to do it prior to second reading, but when there are comments in the media about the failure of the minister to respond I think a correction is required.

The bill that I am presenting for second reading today is a very crucial document. It is one that is needed in the field. Standing here speaking on the bill, I have some mixed feelings. I take great personal pride in presenting it because it is a credit to the dedicated people in my ministry and to the child care network in Ontario that worked so hard on its preparation. It is a credit to the consultative, legislative process which produced it.

This bill grew out of the aspirations, convictions and beliefs, and the concern for children of literally thousands of people who freely expressed their ideas to my staff—experts and laymen, agencies and associations, private citizens and politicians alike have all been heard.

These points of view were not merely listened to politely by my staff. They were valuable contributions that my people actively sought out at forums, meetings and consultations held all over the province. The ideas were weighed and analysed and in many cases, they were incor-



porated into the document before us. This was a process of formal consultation that has been under way for almost three years.

From the outset the deliberations over this bill have been free of partisan considerations and we trust will remain that way. The parliamentary tradition of consultation and compromise has shown how well and effectively it can be made to work. I think one of the things that may be remembered and looked at long after this bill is made into law is the fact that the function of a standing committee of this Legislature was enhanced by its hard work, thoughtful conclusions and diligent pursuit of the matters now formally conveyed in the contents of Bill 77.

Since I became the minister in April 1981, I have never made it a secret that I would bring into this House clear, concise legislation for the protection of children. A task I took as a primary mandate was to encompass all the regulations and statutes concerning children, all the hard laws and the general guidelines that were dispersed through 10 separate acts, into a single, streamlined piece of legislation. That legislation would clarify and adapt old laws to give them renewed meaning in the 1980s and beyond, and strike new laws that would protect our children in these changing and stressful times.

**11:20 a.m.**

This bill before us, which does all that, is not the work of one man or one party. This is not legislation that anyone can say was hastily or heedlessly rammed through any type of legislative process. This has been an undertaking that has been going on for three years, as I mentioned. Many members of this House know well that the undertaking involved exhaustive consultations from the time of the first general proposals through to the working papers and the early flexible draft I presented to this House in December 1983, which was referred subsequently to the standing committee on social development.

Let me describe the long process of the consultation that was the basis for Bill 77. From the start in 1982, members of my ministry sought out private citizens, advocacy groups, agencies, social workers, medical and psychiatric professionals and members of the general public who realized even then the critical importance of this bill which was in the works.

Beginning in October 1982, my staff organized and attended 150 meetings and community forums all over the province and held special consultations with special groups about special needs. In the summer of 1983, they met with

spokesmen and officers of the major groups in the province which deal with children: children's aid societies, the Ontario Association of Children's Mental Health Centres, the Ontario Association for the Mentally Retarded, Justice for Children, members of the judiciary and medical profession and many, many more.

We have met, for example, with the leaders of Ontario's native community and proposed that native communities take a greater role in providing children's care services. To me, this seemed to make only good sense, for children taken out of their homes into protective care are already under strain and can only be troubled more if they are removed from their cultural environment. I was disappointed when, after due deliberation in 1983, the native people declined what I thought was an important responsibility.

On the whole the feedback was enormous. The people in this province who care about children have made an immediate and crucial contribution to our deliberations. Citizens spoke out at public forums and wrote thoughtful letters to my staff. Agencies and groups submitted exhaustive briefs that were analysed and reviewed thoroughly. We took no hard stand. We listened and we heeded. We changed much in that first working paper. We abandoned some recommendations and added others. We amended and we expanded and even then we left the door open for change.

By December 1983 I brought to this House a draft for a bill—probably a better description would be a bill in conceptual form—that had already been adjusted and altered after the consultation process. As I told the House then, I and my staff stood ready to work with the standing committee on social development throughout its deliberations.

It was my belief at that time that all of us here would place the interests of children over partisan considerations and that the concerned members of this House would work with good heart with my ministry and with the standing committee to resolve differences.

The standing committee invested six weeks in its considerations of the draft earlier this year. It heard further submissions from the community, from associations, from groups and from citizens. I was gratified when leaders of Ontario's native communities stood before the committee with their then willingness to accept the challenge of providing child care services within their own communities. I immediately instructed my policy and legal staff to meet with their representatives and the chiefs of Ontario to begin



discussions so we could best reflect their needs in the new act.

The provisions that resulted from these discussions go well beyond the recommendations of the committee and in fact are unparalleled by any jurisdiction in Canada. I say with great pride that no other province has so clearly recognized the importance of maintaining the cultural environment of children coming into care.

It is a principle stated in the act. I quote: "...Indian and native people should be entitled to provide wherever possible their own child and family services and that all services to Indian and native children and families should be provided in a manner that recognizes their culture, heritage and traditions in the concept of the extended family."

If that concept is woven through the act, it means a band or native community will acquire the authority to establish child and family service agencies of its own. A band or native community will have the right to consult regularly with any agencies and groups providing services to native families and children. A band or native community can expect the courts to make every effort possible to find placements for children in conflict with the law within the community and within their own cultural environment.

The deliberations of the standing committee on social development lasted for six very well-filled weeks. In that time—and I think the record should show this—committee members heard 45 oral submissions and studied 74 written briefs. They heard the submissions of my staff, my deputy minister and myself.

I was always optimistic and I never had any doubts, but I think what has happened confirms that the decision to take our bill in conceptual form to a standing committee was a wise one. The contributions of committee members from all parties was valuable. I asked for and received their recommendations on extremely sensitive issues such as the counselling of children in care and for procedures surrounding the disclosures of adoption information. As well, in response to the concerns of the committee, sections of the draft were altered, expanded or deleted. Individual words were changed and fine-tuned such as the definition of "children who are in need of protection."

I point out again, as we did at the beginning of the deliberations of the standing committee, all the things I have spoken about were very sensitive in the community. They had become even more sensitive during the consultation process. There was no community consensus.

These were difficult areas for the committee to deal with. They were areas of such significance that very seldom is a committee doing deliberations on a bill charged with the responsibility. In retrospect, each one of the topics could have been the subject of a very exhaustive search by the standing committee. Their work does enhance the function of standing committees in our Legislature. I wish to point that out because quite often all that is ever remembered of a committee is its final report.

The committee made many recommendations that were incorporated into the bill. As a result, it now provides for the creation of teams of professionals to try to solve the terrible riddle and the dreadful dilemma of child abuse on a case-by-case basis. The bill provides for the provision of child care services in the French language where appropriate; for measures to stabilize long-term foster care relationships; for the disclosure of adoption information in special health-related circumstances; and for the protection of the rights and privileges of children in protective care.

The bill before us, so exhaustively prepared over so many years, is 163 pages long and covers virtually every aspect of children's services provided by my ministry in Ontario. I cannot summarize the entire thrust behind every clause it contains; however, let me read the very first words of this bill:

"The purposes of this act are: (a) as a paramount objective, to promote the best interests, protection and the well-being of children."

In my opinion, we have one of the finest pieces of social legislation in North America. We have created legislation that contains checks and balances. It gives my ministry the means to fulfil its obligations and it provides safeguards to ensure these means are never abused. Above all, the bill upholds the accountability of both this ministry and its agencies to Ontario's children.

What I am asking of this House is a mandate to continue the exhaustive and meticulous preparations that have been the hallmark of this bill from its inception. The governments of Ontario have compiled a long and unparalleled history of outstanding legislation for the protection of children. That is a tradition we must carry into the future. It is a tradition that can well be entrusted to Bill 77, the act I am submitting today. I am asking the support of the House on second reading so we can begin immediately to protect the tomorrows of our children.

**Mr. Wrye:** Mr. Speaker, I am pleased to lead off discussion on this very comprehensive, very



complex omnibus bill before us today, Bill 77. It has been years in the making. It has been subject to a consultation paper, then to a draft act, and in between on a number of occasions to many weeks of hearings by the social development committee. I was privileged to take part in it as one of the members for our party in the last six weeks of deliberations in January and February of this year. It was a very fascinating, complex and at times moving experience.

11:30 a.m.

I want to say, in fairness to the Minister of Community and Social Services (Mr. Drea), we in this party are very pleased with the extensive consultation process which has continued at every stage of this legislation. On this side, we are very pleased with the co-operation the ministry staff provided us in the hearings and the candour with which they discussed many matters with us. I think that co-operation and candour have already made the bill a better one. If it continues in an open spirit, perhaps further changes can be made in the weeks and months to come.

We in this party are pleased with some of the changes that have emerged from our hearings in January and February. Indeed, we are delighted with the breakthrough achieved in part X of the legislation, entitled "Indian and Native Child and Family Services." It is without doubt the most important improvement since the tabling of the draft legislation in December of last year. I think it is an issue members of all parties have recognized and have spoken to as being of crucial importance, and we are all pleased to see some breakthrough. I say this as somebody who does not take it for himself, but for members from all parties who sat on that committee. They deserve some small measure of credit for moving this matter forward.

We have carefully examined the 219 sections of this legislation and weighed whether the act is worthy of support in principle. It should be no surprise to any individual, least of all, I am sure, to the minister, that both opposition parties are bound to have difficulty with individual sections of the legislation. Indeed, as I outline some of the Liberal Party's concerns in the next 30 minutes or so, I will be dealing with some very specific objections. I know my colleagues will be doing the same thing in areas that are of great interest to them as this debate proceeds on second reading.

With regret, our party cannot support the legislation in principle. We are troubled by too many of the approaches taken, but most specifically by two underlying issues. The first is the

power given to the government of the day. I do not believe this government, indeed any government, should enjoy the discretionary powers conferred under the act. It simply allows too much opportunity for abuse, and we cannot support it for that reason.

Second, and I will be dealing with this more specifically as we get into specific sections I want to discuss today, we are very concerned about the lack of emphasis given to the preventive nature of child services. I know it appears at many points in the definitions and in the act, but certainly its omission from the declaration of principles sets a tone we cannot support.

I want to go through various aspects of this very complex legislation, which has 12 parts. I will start with the declaration of principles and the purposes of the act. Our party essentially has three reservations, or I could say disappointments, about the declaration of principles in Bill 77. We spoke to all of them in committee, yet the disappointments remain.

This section clearly is meant to set out the philosophy underlying the legislation, but there is a glaring omission, namely, the strong presumption of a preventive approach. Sadly, the act remains a continuance of the interventionist approach of preceding legislation with respect to children.

I had hoped the government members, and indeed the minister, would listen a little more closely to the testimony that was given before the standing committee on social development in briefs from the Ontario Municipal Social Services Association, the Ontario Social Development Council, the Children's Services Co-ordinating and Advisory Group of York Region and the Niagara Children's Services Committee, among others. There were a number of other briefs and they all talked about the need for prevention.

My colleague the member for Hamilton Centre (Ms. Copps) indicated in the dissent that was filed that the principle of prevention should be included. I think it was a worthwhile, an important and a fundamental recommendation that it should be up front and centre in the declaration of principles. We are more than disappointed it has not been included.

Our second reservation concerns the principle of providing services in the French language. I believe the government has moved in this matter. It was silent in the first instance, but it has moved in this final legislation before the House. We on this side still have some problems.

The recommendation that the fundamental principle of services in the French language should be enshrined in the revised legislation certainly came from this party at the outset. During our hearings in Ottawa, such a recommendation also came from the Council for Franco-Ontarian Affairs, the Children's Services Co-ordinating and Advisory Group of Prescott and Russell and the Co-ordinating Committee of Ottawa-Carleton.

On this side, we are still bothered by the wording of that phrase. It says, "Service providers shall, where appropriate, make services to children and their families available in the French language." One wonders about the ambiguity of the phrase, "where appropriate." What do the words "where appropriate" really mean? Do they mean "where numbers warrant"? What are the designated areas? In short, we have some problem with that. It is certainly one area we are going to wish to clarify when the bill goes back to committee for further deliberation and what I hope will be further hearings with some of the major interest groups.

Finally, in discussing the declaration of principles, I would be remiss if I did not draw to the attention of the House that the legislation specifically ignores the recognition of linguistic rights. On the one hand, the government of Ontario—and I am glad to see the Minister of Citizenship and Culture (Ms. Fish) is here—talks a lot about the province's rich multicultural heritage. Then in this legislation it turns around and omits a key aspect of that heritage, namely, language.

The social development committee's discussion of the briefs of the Ontario Medical Association and the Sudbury Children's Services Committee led the committee to recommend in its report that language be recognized as a key cultural factor in providing services to children and their families. I want to indicate once again our opposition to that omission. I want to indicate that when the matter goes back to committee, we will certainly be fighting to change that and to include that very important area of linguistic rights up front on page 1 in the declaration of principles.

I want to turn to the issue of what we feel to be almost a blanket discretionary power conferred on the minister in sections 23 through 25 of this legislation. I wonder whether some of this is flowing from the problems in Kenora earlier this year. I do not know whether they do or not, but certainly in our judgement these new sections, which were inserted after the consultation and

hence were not subject to earlier discussion, are needlessly broad.

Essentially, they allow the minister to take over a voluntary agency and remove any or all of its board of directors without due process. To be sure, an agency that is upset with the dismissal of some or all of its directors can demand a hearing, but who will be at the hearing acting as judge and jury? Two people appointed by the minister, one of whom shall be from outside the ministry, as I remember it. Can we call that impartiality and objectivity?

**11:40 a.m.**

After the hearings the two people file a report with the minister, who then has the final say. In reading the legislation a week or so ago, I noticed there are sections of the Statutory Powers Procedure Act that do not apply to such a hearing. I have already been in contact with mental health centres, which have called these provisions draconian and outrageous. The minister is going to hear a lot from many of those organizations when this bill returns to committee.

The minister and his colleagues on the government side should be very sensitive to this. We are talking about very important service providers here. One even said that potentially it means the end of voluntary agencies. After all, what incentive is there for good people to join boards of directors when the minister can just sweep in and dismiss them all?

It seems to me on our reading of it and on its reading by others—and we will want to go over it very carefully—this legislation appears to allow the minister to walk in with little cause, such as an agency contravening a regulation it does not even know about.

Certainly we need checks and balances. I would be the last to deny it. Certainly the minister needs the ability to move in on a poorly run agency, but I do not think we have that in this legislation. We do not need the sweeping, blanket discretionary power given to the minister in this revised legislation.

Voluntary agencies such as children's aid societies are being further undermined through the deletion of sections 11 and 12 from the old Child Welfare Act, which sections allow a CAS to appeal the ministry's budget allotment decision to an independent review committee. The minister had the final say, but at least this was a more open and independent forum in which to air grievances.

**Hon. Mr. Drea:** That is not correct.

**Mr. Wrye:** The minister says it is not correct. I would appreciate it if he did not interrupt me. I



did not interrupt him. He can make notes and he can reply.

Obviously the minister views such activities as unwanted thorns in his side. What has he done in the new legislation? He has omitted these sections entirely and has shifted the whole topic to the discretionary regulatory provisions. That is where they are.

The genius of child welfare services in Ontario has always been the balance between the voluntary and the public sectors. This legislation is destructive of that fine balance in its all too-heavy-handed approach. It is one of the reasons our party will not support it.

One of the most controversial sections of the draft bill dealt with the so-called residential placement advisory committees. It remains a matter of great controversy in the final legislation. It was a matter of great discussion in committee with witnesses and among the members of the committee themselves.

The RPACs, as I said, were the subject of extensive discussion in committee. They were a major topic, and sometimes the major topic, of briefs from numerous concerned groups and individuals.

Regrettably, several of the very responsible recommendations of the standing committee on social development have not been addressed. Indeed, there is so much wrong with the RPAC section that I hardly know where to begin. Let me briefly list some of my objections. I will start with the overriding one, that being the absence of a mandatory pre-placement review process.

I do not claim to be a legislative draftsman, but the wording provided on the RPACs was and remains vague. Subsection 35(2) says, "The minister may establish residential placement advisory committees...." Given the fundamental importance of some sort of review process to ensure that decisions to institutionalize children are really wise, surely the word "may" ought to be replaced with "shall." I do not want RPACs to be just another discretionary power of this minister or, to be fair to him, of any minister. They should be mandatory, period.

Why are the mandatory reviews only for children who are institutionalized for more than 90 days? Why is there that arbitrary number? This would be a post-placement review. Children over 12 who object to the placement are also guaranteed a post-placement review, but that review will only happen, according to the bill, within the week following the day that is 14 days after the child is placed.

I will admit that there has been an improvement from the draft legislation, but if I read the draftsman's wording correctly—and I sometimes wish we could put these things in English—I suggest we are still going against the committee's recommendation that the review be done within 14 days of admittance.

**Mr. R. F. Johnston:** Twenty-one.

**Mr. Wrye:** But our recommendation was 14. Indeed, it would be our feeling in this party that even that recommendation would hold only in the case of emergency admissions where pre-placement reviews could not be completed.

Even when we are talking about seven days, what is seven days between friends? We are dealing with children here, and we are obviously dealing with children who are having a problem, often a very major problem. It seems to us in this party that because the institutionalization of an objecting child must be terribly traumatic for that child, it is almost cruel to add even as long as another week to the review process.

If the government is going to be unwise enough to ignore a mandatory pre-placement review suggestion, even with the sole exception of emergency cases, then at least the post-placement review in two weeks is not an unreasonable suggestion to make. While there will be talk that some of the reviews will be pre-placement, if we do not put them in the legislation, the fact is that the vast majority of them will not be.

I want to remind the government of the comment of the Ontario Association for the Mentally Retarded that these RPAC reviews will apply not to existing placements but only to those made after the act is proclaimed. While the new act allows the minister to refer an existing case to a placement review committee if he feels like it, surely that is not good enough.

I remind the minister and the government again that the committee recommended in the face of persuasive briefs on the matter: "That an initial review of all cases of children currently in care be conducted within 12 months upon the establishment of a local RPAC, where reasonably possible, and subject to an ongoing six-month review process."

For many of us, this was a very difficult bottom line that we came to. I think my friend the former chairman of the committee will remember that. Many of us felt the review of those in care should occur in far less time than 12 months after the establishment of an RPAC, and yet we did not even get that.

In addition, under the new legislation, all cases that occur after the act is proclaimed will be subject to reviews only every 12 months rather than every six. Again, the draft act spoke of the 12-month period, and the committee heard many witnesses who were very concerned about that. I think members from all parties had a sensitivity and an understanding that we are talking about very young children here. We could be talking about a kid 12 or 13 years old; and if that kid is in care for 12 months, that is eight per cent of that child's life.

If those of us who are adults try to think back over all the things that have happened to us over the last 12 months, that is a very long time. Imagining how long it is for us, we can imagine what it would be like for a kid who is 12 years old. That child may not be happy with the placement in the first instance, and the period of time becomes almost counterproductive to that individual's development.

**11:50 a.m.**

It is also disappointing to us that a residential placement advisory committee may review, on a person's request or on its own initiative, an existing or proposed residential placement. Again, that is a discretionary ability as opposed to a mandatory requirement.

The standing committee on social development further urged the minister to specify that the existing children's advisory groups be the forum from which to draw members to form the review bodies of RPACs, with the option to include others such as legal counsel. As we see in subsection 35(2), community advisory groups are not specifically mentioned.

Before I move on to other flawed areas of the legislation, my final concern regards the appeal process of an RPAC decision. The committee and many witnesses, including Dr. Landau, recommended that there be an appeal provision to the family court if there is a dissenting party to an RPAC decision. Instead, the legislation makes the Children's Services Review Board the forum for appeal. Considering the gravity of the situation that may be occurring, I do not believe that is good enough. We need a different approach to institutionalization where there is a dissenting party, and we believe the family court would be an ideal place.

I want to turn to the matter of children in need of protection. The government has listened to the recommendations of the committee. During the hearings, a number of us on the committee moved from our very first view, which was that the recommendation written out in the draft act to

remove both the words "substantial" and "serious" was appropriate, to the belief that we had to return one of those two words to the legislation. We proposed to put "substantial" back in front of the word "risk" to act descriptively. We are very pleased to see the government has agreed with us.

It is useful and it is balanced. It provides the right amount of balance to protect kids who need the protection of society, but it will maintain the autonomy and the integrity of the family unit wherever possible. It is a very difficult balancing act, because the state must have an ability to move in on occasion. I think we have struck the right balance in this matter.

I want to say, though, that sexual exploitation and/or sexual molestation of a child are obvious grounds for intervention by children's aid societies. I hope we will take another look at this, because many of our criticisms are not partisan; they are, rather, differences of approach. Perhaps this one in particular is a difference of approach. The committee felt both these areas should be defined in the legislation. We note they have not been, and we hope the government will take another very close look at providing some definitions in this area.

We are dealing with An Act to provide for the Implementation of the Young Offenders Act (Canada) in committee right now, so I will deal very briefly with the young offender section of the legislation. It is substantially broader in the legislation and substantially more descriptive than in Bill 28, which is before us in committee.

The fundamental issue I want to deal with will not come as a surprise to the minister. We remain disappointed, though not surprised, that the bill contemplates a continued two-tier approach in the treatment of young offenders in Ontario. The Ministry of Community and Social Services will have responsibility for those now covered by the act between the ages of 12 and 16. The Ministry of Correctional Services will take responsibility in April 1985, when 16- and 17-year-olds come under this federal statute.

The minister knows we do not agree with such an approach. We will not agree with it in terms of Bill 28, now before committee, and we do not expect to agree with that approach in committee when this bill goes out. It is an important concept to us to have the one-tier approach.

I want to deal with a number of other matters. Let me turn next to the matter of adoption in this legislation. I know there is a great deal of controversy on this matter. It is a great moral dilemma for a number of us.



While the members of my party who sat on the committee were of one voice, I acknowledge that there is on very personal grounds some division in our party on the matter. Should this matter come back to committee of the whole House, for example, it would not stun me if there were some dissent in my party from what I am going to say.

My committee colleagues and, I believe, most of my colleagues in the party have a number of reservations about the revised provisions. We are disappointed that the disclosure provisions with respect to an adoptee's birth parents still stipulate three-party consent; that is, the adult adoptee, the birth parent and the adopting parents.

We feel, we argued in committee and we will argue in committee again, that there should be two-party consent for all future adoptions, with the veto power on disclosure now given to adopting parents being removed. I feel strongly about that.

I do not believe, and we did not argue in committee, that we should go the even more extreme route of one-party disclosure, that the disclosure be made at the request of the adult adoptee. I and my colleagues were troubled at the thought of changing the rules in the middle of the game. I cannot bring myself to accept that we would change the rules for those who are in the game now. I personally would not support an area of retroactivity.

We could probably make some progress in activating the register. That might provide some improvement for those adult adoptees who wish to have a reunion with their birth parents.

The government has made some modest progress in removing the adopting parents' veto power if they are dead or have been declared mentally incompetent. I do not view that to be great progress; it sounds more like common sense. We have made some modest progress, although I think it is common sense, in allowing for the disclosure of nonidentifying medical information.

## 2 noon

However, we have not made the fundamental progress that if the birth parent and his or her child wish to meet, no future law should block that fundamental right to know one's heritage and roots.

It is one thing for the adopting parent to sign a form and take away the rights of a young baby who is being adopted, but it seems to me that at the point of adulthood that child ought to have a vote on whether he or she wishes to have those rights taken away.

I want to mention a couple of other areas. While we welcome the lowering of the age at which the child has the right to consent from 12 to seven, again we think the omission of any reference to the more general and flexible provisions of common law is a mistake.

I am sure my friend the member for Scarborough West (Mr. R. F. Johnston) will deal with this, because it has been a personal matter of interest and advocacy for him, but I noticed that the issue of foster guardianship has again been ignored in this legislation. I, for one, am persuaded that, on balance, we should have moved ahead with it, and I look forward to seeing efforts in committee to put it back in the legislation.

I want to talk briefly about the issue of counselling. The standing committee on social development urged in its report that children have the right to seek counselling, and for my part I am disturbed that the legislation does not guarantee the implementation of that right. Once again let us look at section 29, which says, "A service provider may provide a counselling service." This may be simply a misreading of the legislation; we will talk about it in committee.

With regard to deeming the age of consent to services to be 12 years of age, once again I would make the same point as I did with adoption earlier, namely, that the common law principle should apply in taking into consideration the child's capacity to consent.

I am pleased that children in residential care will now be able to send unread and uncensored correspondence. This is something that bothered the committee greatly. It will certainly leave the child free to air his or her complaints via mail to a lawyer, a member of the provincial parliament or a friend, without fear that the staff will read it and exact punishment.

I do want to touch on a couple of other matters. I believe the rights of children in care would be better protected if the terms "privacy" and "corporal punishment" were defined. If we did a poll of MPPs here today, we might not come up with half a dozen different definitions of each term because there are barely half a dozen members in their places; but if the legislation clearly spelled out the definition, it seems to me there would be no misunderstanding by either the children or the residential staff, and I think that is something we should be taking a look at in committee.

I do not mean to be critical of the number of members here after question period on Friday. I make the comment only by way of suggesting



that, as my friend the member for Essex North (Mr. Ruston) suggested, if we sat here Wednesday afternoons rather than Friday mornings we might have a little better attendance. I know a lot of MPPs have to get right to the airport or right to the train station to get home because they have long trips home.

I want to turn to the matter of extraordinary measures. We are pleased that the government has adopted some of the committee's recommendations, though not all, in the area of extraordinary measures. I note there must now be a substantial threat—the act uses the word “serious,” but I believe it is the same thing—rather than just a threat that the child will cause harm if not put into a secure treatment program.

Second, the legislation must specify a time frame for isolation with an absolute maximum. I see this act stipulates no more than eight hours in a 24-hour day or no more than 24 hours in a week, and that is an improvement over the draft.

Third, the child must be under constant observation while in secure isolation, though I am worried that “constant” means “at prescribed intervals.”

In spite of those improvements—and there are some and I believe they are important—with respect to this legislation, I think there is some measure of nonpartisanship in this legislation. We may have differences on some fundamental issues, but I think we are all concerned basically with the rights of kids. We may have some political divisions which extend to children just as they exist with adults, in terms of extraordinary measures and a number of other issues. However, I think the essential attitude of all parties is a nonpartisan one, differing only in terms of our approach.

I want to raise some of the problems that remain. I am concerned about the definition of intrusive procedure as a mechanical means of controlling behaviour. I also am concerned about the aversion stimulation technique or any other procedure as prescribed in the regulations. I believe it is important that the definition be written in more specific terms rather than leaving in so many discretionary regulations.

We are dealing with a very serious matter here. I worry—as do all of us; not just those of us on the opposition side—about the whole idea of regulations being in a sense more important legislation. That is something we have no control over.

I am also troubled by the provision that an individual child sentenced to 180 days of secure treatment is forced to remain there until the order expires, even if he or she turns 18 in the

meantime. It seems to me that because there is a change in the legal status of someone who reaches adulthood such a provision is inappropriate.

My final point goes to the heart of the dissent from my colleague the member for Hamilton Centre, who I think was most outspoken on this point during committee. I notice the prohibitive measures category has not been reinstated. The legislation seems to have an anything goes mentality about what can be done to objecting children. The review team can look at medical or chemical experimentations, psychosurgery, non-therapeutic sterilization or electroconvulsive therapy.

The awesome coercive power of the state over an objecting individual frightens me, most particularly when we are talking about children. I do not believe we can in good conscience condone a piece of legislation that allows for this kind of a procedure to be used on a child. It is a measure we opposed in committee. We will take that matter back to committee and will be fighting to clear it up.

I wish to speak very briefly to the definition of institution. It is a problem that runs all through the revised legislation. The legislation defines institution as, “premises other than a maternal home in which residential services are provided to 10 or more children at a time.” In committee we urged recommendations that the ministry review its definition of institution to reflect institutional care where the child has restricted access to the general community rather than the definition being placed upon the number of children in care in an institution.

Our party regrets the ministry's preoccupation with numbers rather than upon restricted access to the community. It seems to me that is where the descriptive words should be. As the Waterloo Region Social Resources Council said, “The definition should also not ignore smaller residential settings, but should rather mean all or any part of a building in which children reside and which is licensed or funded to provide residential services.”

I think there is some import in this relating to that whole definition. Definitions are often viewed as not being important, but I think in this one there is some import. I hope we are going to take another look at that.

**12:10 p.m.**

Before I wrap up, I want to deal with two very minor matters. They are like many populist oriented matters that are picked up by the media. The first is the issue of religion. I am very pleased



see the sexist clause in the draft legislation, "If the religion of a child is not known it shall be deemed to be that of the father" has been removed.

I have reservations about another clause, in subsection 83(3), which does not show sensitivity to all religious faiths, as we had recommended the committee. If it did, it would not single out Catholicism and Protestantism for special mention.

There is the great issue that captured the imagination of the press, that of curfews. I am glad the minister and the government heeded the suggestion of the committee to alter the curfew hours to the more reasonable midnight to 6 a.m. I note the minister adopted only two of our three stipulations; first, that a child should not be allowed to loiter in a public place in these hours; and second, he should not be in a place of public entertainment unless accompanied by someone 18 years old or older.

I want to remind the government of our third commendation, that we should not allow children to be employed in a place to which the public has access during these late hours. I do not see that in the appropriate section. Perhaps it is something we will have to look at.

As I said at the outset, in a sense I regret that we cannot support this legislation because it is very important. It replaces a large number of acts. It is important literally to thousands of individual children. However, I do not believe it sets a tone we can support. We will oppose the bill on second reading, but we hope we can go to committee with an open mind towards making major improvements in the legislation.

We look forward to hearing from many of the major groups that came before us before. I hope they will be invited back again this summer or whenever we deal with this legislation in committee so that, even at this late hour, they can make a major contribution to changing some of the ill-considered directions which this legislation takes to children's services in Ontario.

We hope the government will be amenable to having those hearings. We think it is only fair. It was clearly indicated that the committee would be meeting again and that there would be one more kick at the can, particularly for the major organizations. That is important. There are major changes from the draft in this legislation. Given those major changes, I trust the minister will be supportive of any efforts by the committee to order its own business in such a way as to have witnesses come before it again to discuss this important piece of legislation.

**Mr. R. F. Johnston:** Mr. Speaker, I am pleased to rise to speak on this bill. Our party will be opposing this legislation on second reading. We would like to go out to committee and hope to continue the process of consultation with the community that has occurred to this point.

I would like to recognize the role of some ministry people with the committee. I have now been involved with the act since the first consultation paper came before committee some time ago. Then there was the last set of hearings on the conceptual act—it was not written in legislative terms. Now I hope I will be involved again in committee deliberations as we go through the legislative discussion and fine-tuning of the act.

In that process, especially during our last six weeks of hearings in January and February, we had the very helpful participation of several people, some of whom I would like to recognize.

There was Bernd Walter who gave us a good deal of legal advice on and interpretation of different sections. I see he is here today. There was Dick Barnhorst who took the committee through its first discussions of the changes that had taken place in the consultation process. He gave us some understanding of what the act was about, especially for the new committee members, and then was available to us at various stages during the deliberations.

Gerry Duda from the ministry also played that kind of role, as did a number of women, who often did not make presentations to us but were always there to provide the three gentlemen I have indicated, who are sitting in the gallery over here, with the knowledge they gave us. They were very helpful to the committee and its discussions. It was very useful to us for those people to have been there and to have been so open in the process that went on. I am sure all committee members would agree on that.

I would like to talk, because the minister talked at some length, about the consultation process. I want to deal with it from my perspective, which is slightly different from that of the minister. I agree the process has been a very useful one, especially for an act of this enormity, which is trying to pull together a number of acts already existing in the province and trying to make some co-ordinated sense of the way the various acts deal, in this case with children in Ontario.

I think it is crucial to have a preliminary discussion on general ideas and themes, which is what one would say the first consultation paper was about, and then to come back with the



concept put into a legal framework, although without legal language in the second stage. The third stage is to have those people come back to see if, in the development of that process, the translation of the ideas they were espousing and trying to communicate to the ministry and to the legislative committee in its part of that process, is actually being implemented in the language of the act and not being undermined in the language of the act. In that sense, it is a very useful process, but it had its problems.

I recall very well when the first act was brought out and there was a great deal of discussion about the consultation paper. The list of all the people who were participating was added to the back of that document, which I have here. It looked as if a fairly broad range of people had been involved in the entire document and it reflected the combined ideas in its principles of all the people involved. It was not until some time afterwards that we started to understand that many of the people had been consulted about only one section, one subsection or one part of it, and had not been involved in a very large way.

When the ministry started to receive the responses to the first consultation paper, it is fair to say a large number of those who responded had very serious problems with the way it had been developed and also with the direction in which it was going. Consultation is a very useful thing but every government knows it must make up its own mind on its final decisions and where it will go on things. Ultimately, no matter what the Legislature thinks, or what our committee thinks if it comes back out again, the government and the ministry, through the cabinet, will make the decisions about whether there will be further changes and what the themes should be.

During the consultation process after it first came to our committee, what happened was a very unfortunate kind of response, almost a form of pollitis, if I can put it that way, in terms of how to interpret the responses that came back. There was no consistency of philosophy in the way the themes that were put forward in the first act were then altered as it came back to us in this document. Instead, it seemed to me it reflected a popularity poll.

If there were 10 respondents who were upset about one section and only eight who were in favour of it, that section would be dropped and would disappear. If there were more people in favour of a stronger role for one angle of things, that would go in. There was no thought of consistency on the basic principles of the act as

they were being laid out or of the very sections of the act and how they should relate to each other.

As a result, the document that was brought to us in November last year for our use in January was a very flawed document. It had changed enormously from what we had, but there were totally strange and bizarre twists and turns that bore little relationship to thematic integrity. One hoped the ministry would have been able to weed these out in that consultation process. Instead, it was more of a hotchpotch of ideas that were often in conflict with each other.

**12:20 p.m.**

The day before yesterday, in committee on the Young Offenders Act, we discussed with some Indians who came before us some changes in the young offenders legislation in Ontario. They would like to see a greater role for natives in that process in Ontario. During that discussion we again talked about the role of the Indian community in Ontario in the development of this legislation.

The deputy minister gave only part of the story about why the Indians had withdrawn from consultation with the ministry. He then assumed far more responsibility than he should have for some of the very positive changes that have come into this legislation and the way in which it had been drafted and did not give credit where it was due for the language being brought forward. I would like to come to that if I might.

As have all native people across the country, the Indians in Ontario have been involved in discussions with the federal government over their constitutional rights, their fundamental rights, their interaction with governments in Canada and the questions of native autonomy as viewed within the context of the Canadian Constitution or revision of their rights in it.

That debate about the fundamental rights of who should be dealing with whom and the status of the Indian people with the federal government was one of the reasons they decided it would be awkward for them to discuss the provision of a greater role for natives within our provincial jurisdiction during the process of consultation with the federal government. That was the point the deputy was making yesterday, but that was not the only thing.

There was also disappointment at the kind of consultation that had gone on up to that point. Many Indian leaders have spoken to me personally and to people within the ministry about that feeling. One reason they had not been participating was they felt there was a presumption of their position and not what they consid-



red a proper consultative process. I feel it is important to say that, because that side of things often gets left aside when we discuss the lack of Indian involvement in the draft act, the conceptual act, that was brought before us. It had only one permissive regulation in it, which allowed the ministry to do all sorts of things but did not mention Indians anywhere in it.

After our committee initiated discussions with a number of native groups and got them to come before the committee to talk about the draft act and what they thought about it, we managed to get an agreement we were all very pleased with. It was agreed that during the period of the recess and before this legislation finally came back to us, the government and ministry officials would meet with native leaders, primarily the Chiefs of Ontario, to see if they could come up with language on some greater autonomy in the provision of child welfare services that would meet the requirements of the Indians in Ontario.

I am delighted to say that what came out of those discussions is the exceptional piece of work we have before us. It is the most personally pleasing side of this new children's act. I do want to make it very clear that the credit for the wording of that section on native rights should not go to the Ministry of Community and Social Services, as was being espoused the other day in the young offenders discussion, but should very much go to the Chiefs of Ontario.

I have seen what the Chiefs of Ontario presented to the ministry. I have seen the words they used to explain what they wanted. That is what I see in the ministry's document, the new bill. The language was not being determined by the provincial government for months and months, as was suggested the other day, but was the work of some very talented and astute Indians in Ontario who provided that information to the ministry.

As the minister knows, the difficulties we had in getting this thing before us a little earlier were the result of some governmental responses, specifically from the office of the Attorney General (Mr. McMurtry), to some of the wording brought forward by the Indians, in terms of the concerns about just how far we were going with our rights and what we were jeopardizing, in terms of giving too many rights to the Indian population of the province.

I am delighted to say that what has come out of this is something which is more than I had hoped for. In fact, the extent of the rights given is wonderful and welcome. It is a glorious piece of work. But I do want to give credit where it really

deserves to be given. I hoped the deputy the other day would have been slightly more expansive in recognizing the role of people like Richard Powless in the development of this work.

There are many parts of this legislation that I like. There are parts which were in the first consultation paper, which were removed when it came into the draft act and then came back in, and some parts which have been in throughout. There were other things added because of the work of committee members and the kind of response the ministry gave to those recommendations that came from the committee.

I am very pleased about that. I think the minister is not incorrect in saying this is a very progressive piece of legislation in general terms. However—and of course there is always “however” when he gets that kind of compliment coming from me—there are still such serious problems with the bill that it needs to be and must be opposed at this point.

The primary reason is that we are not going to review it again in a year's time or in 16 months' time. This act will last for a while. This consolidation of these many bills and acts that at present exist in Ontario is not something we are going to get a chance to go over and over again. This is our one shot to make this the best possible bill and act in the country. I intend to place all my energies in the forum again to make sure we continue to improve it and make it possible for all members of this House to rise and say, “Yes, this is the best piece of legislation that has been developed in North America and we are all proud of it.” I do not think we are quite at that stage at the moment.

Perhaps I should not involve myself in the affairs of the member for Scarborough-Ellesmere and the minister in terms of the point of order that came up earlier and the response to it. It is true the ministry responded to specific majority requests of the committee that were found written out precisely in our report. It is true it also ignored some of those or decided to turn them down.

Ministry people, as I have said, many of whom are here, were there throughout all our discussions. They knew the kind of discussions that were being undertaken and knew the kinds of divisions within the committee. They also knew we were able to make decisions about the merits of various kinds of commentaries that were being put forward.

Just because things such as a majority decision on some kind of new process of openness in adoption disclosure and that kind of thing were



not put into the final report through our own mistake—and I will admit that—is not to say members of the ministry were not aware of that kind of consensus, as they were not unaware of our consensus that there was a need to start looking as soon as possible into day nurseries.

Rather than having to see my colleague the member for Scarborough-Ellesmere get up and apologize in the House for it not being a stated opinion that was put forward in our majority report, I would say the ministry knew full well that was the bottom line of consensus we could find on adoption and adoption disclosure.

**12:30 p.m.**

Perhaps I could just highlight the reasons we will be opposing this legislation. First, I am disappointed in the section on principles. The party is not happy with the principles of the bill as they have been enunciated. We believe this bill cannot be the kind of bill we would like it to be without a bill of rights for children being placed in it so that there are some guidelines, some set of standards by which we and our judges can determine the best interests of children in Ontario.

We find that the principle of prevention work is absent. As I stated particularly, such basic rights as the right to appropriate treatment for children, which many of the people who submitted asked for, is absent.

We are also opposing this because we believe one piece of children's legislation has been deliberately left out of this act, and I am talking about the Day Nurseries Act and the whole question of day care. It is being left out not because of a lack of consensus within the community, even though there is a lack of consensus within the community, and I would admit that; it is being left out and is in limbo for a period of God knows how many years. We have just heard that there is going to be a federal task force looking into day care. Goodness knows when that thing will finally report.

It is being left very much on its own within the realm of acts dealt with by the ministry. The only act affecting children that is not within this act is left very much in the adult welfare domain with respect to the notion of what it is about. I come back to this because it is very much involved in our notion of the basic rights of children and why it should be involved in this act, at least until we determine how we will have a universally accessible program of day care some day in this province.

I personally am very disappointed at the half-measures in the area of children who are

placed in long-term treatment facilities. The residential advisory committee concept did receive a majority consensus from our committee and specific recommendations were put forward but the response by the ministry has not met our desires.

Somehow this issue is never dealt with in a way that reflects the seriousness I feel about it. In this act we have rights for children who are in need of protection, rights to legal counsel and rights to a very extensive due process before a child can be taken from a home. We have rights for children now under the Young Offenders Act. We even have a series of rights now, with some limitations, for children in institutions concerning how those institutions respond to them.

But we have almost nothing on due process for children whose liberty is taken away from them by placing them in children's mental health centres in Ontario, until they have been placed there in all cases. Even then it is a kind of process I do not believe meets the demands of this society for due process for those children. I am very disappointed at the response and the half-measures from the ministry.

The section on extraordinary measures is unthinkable to me. It is unthinkable that we still are going to say in this province that it is all right for Community and Social Services institutions to use shock therapy on children, do chemical and medical experimentation on children, non-therapeutic sterilization and psychosurgery, under controls, yes, but the words are used there.

I look at what has happened since the beginning of this; this backing away because of pressure from the Ontario Medical Association and other medical types; and the decision that because it is not happening and if it happened anywhere it would happen elsewhere, therefore somehow, we have to allow this kind of language. I just find out of date and totally offensive the fact that this is seen as something to be countenanced at all in our provincial jurisdiction.

Let me read from the consultation paper: "One of the most difficult problems is defining 'intrusive procedure.' We are recommending that the ministry designate certain procedures as 'prohibited' and others as 'regulated.'"

They are saying that certain things are so offensive to us they should be prohibited. It was not something that was not thought out in advance. It was not something which did not anticipate reaction.

I will read a section on the page before: "In addition, the Ontario interministerial committee



on medical consent and the Law Reform Commission of Canada have recently concluded that certain procedures (e.g. sterilization) are of such a serious nature that procedural safeguards are necessary to protect the rights of children.

"Undoubtedly, in practice most professionals are very cautious about the use of intrusive procedures and most programs have some internal review mechanism to check and monitor their use. The recommendations following build on this good practice and on existing ministry policies. The goals are to ensure that intrusive procedures are used only when absolutely necessary and that similar criteria and safeguards apply throughout the province."

Then they go to distinguish that which should be regulated and that which should not be allowed at all. We understand what happened. There was the document that was brought before us in the draft legislation. There were changes from the initial Children's Act proposal to the act itself. We got explanations of what was taking place.

To give an idea of where the power lies in Ontario, I will read from this. No, it is not there. It is in Hansard with Mr. Barnhorst.

The draft legislation says: "There was no consensus in the feedback as to which procedures should be designated regulated or which should be designated prohibited. Some provincial consumer organizations agreed that certain procedures proposed by the ministry to be prohibited, e.g., ECT and psychosurgery, should not be allowed because of their potential harmful and irreversible effects upon children. Others said that strict regulation of procedures like ECT would suffice since in some rare cases they may be necessary."

Later on, under questioning from the committee, Mr. Barnhorst indicated that the people who had put the pressure to have these matters regulated were the Ontario Medical Association and the children's mental health centres of Ontario. Later on in my speech I will be glad to allude to these matters.

As well, I find it difficult to understand how in 1984 in Ontario we still have an adoption process that is founded on the idea that any child who is adopted essentially becomes another person at the time of adoption and should be seen to be existing as a tabula rasa, a clean slate. Nothing that went on before the child was adopted bears any relevance to that child's future and somehow the child does not have an absolute right to have access to information about where he came from,

who he is all about and who he is as a human being.

Instead, there is an ingrained structure of reinforced secrecy by contract among the birth parents, the adoptive parents and the society to prevent the child from having easy access to that kind of information at the age of majority. Here we are in the year of finally getting our act on freedom of information; maybe we should see this as consistent with that, given the lack of substance in that act. However, there is a feeling abroad in our society that openness about our emotions, about our past and about all kinds of information is a better principle than selective secrecy.

**12:40 p.m.**

It is an emotionally charged issue. Who would deny that? There are those who were here in 1978 and saw the debates in the House at that time. As referred to many times in committee by people such as the member for Kitchener-Wilmot (Mr. Sweeney), it is an very emotional debate. What kind of changes do we see from that date to this? We see minor changes in terms of medical information, and we see changes regarding the age of a child having some major say in whether they want to go to a particular adoptive home, but we do not have anything about making it an active register. We do not have anything about getting rid of the veto by adoptive parents once this child is an adult. The individual may be like any other adult in society, but somebody has the capacity to keep information away from him or her because of a decision made by other adults when that individual was a child, a baby in most cases.

We did get rid of the veto from beyond the grave, which is a very positive step. Up to this point, an adoptive parent who had not agreed to a three-party disclosure could stop the disclosure of that information after he or she was dead and not available, even if the birth parent and the child were willing to have a reunion.

I find the principles involved in the adoption section offensive in terms of the ethics of our society in 1984. There must be changes there before I will vote in favour of this bill.

The continued lack of attention to prevention is something that boggles my mind. Why do we not make it the major thrust? While we talk about supporting children and families, our whole system at the moment is designed to catch people as they fall rather than to prevent them from falling.

**Mr. McClellan:** It is a matter of trying to catch them on the first bounce.



**Mr. R.F. Johnston:** The member for Bellwoods says it is a matter now of catching them on the first bounce. We make sure they hit the ground with one good thwack first and then we come in to assist them afterwards. That is true.

One looks at our social assistance system and sees that we pay far less to people on welfare and family benefits to raise children than we do to foster parents to raise the same children. That is a ludicrous notion. We do not seem to understand what is necessary if we want a child to remain in a family and keep families intact and vibrant. We should have a system so that when we pull out our time capsules from our backyards in 2010, at least we will be able to recognize what a family was because families will still exist then. Instead, we have an after-the-fact system.

Why do we not place in this act the positive step of permitting judges to order preventive services as one of their choices? Why was that not put back in? It seems to me that we tried to be subtle in the way we got that back into the act, in the way we were approaching it in an attempt to get a consensus. Is it not a fundamental process? Should we not be trying to guarantee that the rights of children increase and augment in our society by allowing judges to point out these things? Should not a judge be saying that if only there were a homemaker going into that home or that if only there were a day care facility for that child, a single-parent father might have the chance to maintain his family and not have the child go off into the world of wardship and foster homes and, potentially, adoption?

There is another element the member for Windsor-Sandwich (Mr. Wrye) mentioned which we did not talk about in committee as much as we should have. That is this incredible power trip the ministry seems to be on in terms of its role with respect to the agencies of the province that are trying to provide the support system to families. There is a great fear about the capacity of the minister to decide who should be a board member, to replace board members and to deny a sense of due process to those people. I will get into the details of that as we go into the bill.

This is something I find very dangerous. The minister already has those powers. They are not enunciated as clearly in the Child Welfare Act as they are here, but the overall role and power of the minister are definitely in the minister's act. We saw that last year. We saw what happened at the Kenora children's aid society when the minister decided to move in because of conflicts with the agency, primarily around financial matters, on the premise that somehow children

were at risk. We will be hearing more of that as we go into this discussion today.

That abuse of power for reasons of monetary expediency by the government of the day is what is scaring a lot of the social service agencies that are being expected to pick up the pieces from the lack of prevention work and the lack of proper financial compensation for the poor people in our society which are the hallmarks of our present system.

The other major thing that concerns me about this act, and the reason we will vote against it, is the number of regulations enumerated here which give enormous power to the minister. I do not think the minister can expect us to pass this bill through the House until we see those regulations.

While he has this tremendous control through the regulations section without us having any definition of what those things mean, whether it is how secure isolation is going to be administered and the basic infringement on liberty that is involved there or whether it is what the minister is requiring in terms of standards for agencies and that kind of thing, he cannot expect us to move ahead with this act until we see those regulations. Are they the same as the ones we have now? If so, let him provide them to us. If not, we need to know what new powers the minister is providing to himself and in what ways those regulations may offend the premises of the act.

I do not want to see happen here what we have seen happen with Bill 82. I do not want to have the minister bring in a regulation that takes away the basic thrust of what the bill is about. We have seen that in the changing of the role of vocational rehabilitation and of the role of the Social Assistance Review Board in dealing with cases around special education, which was brought in as a regulation against the very philosophy of the act, that a child should have the right to an appropriate education. I want to see those regulations and to have them in front of us before we proceed with this act.

I would like to go to the principles of the act. As are all members, I am pleased with the paramountcy of the best interests of the child being included. It was an oversight in the initial consultation paper and was put in in definitive terms in the Child and Family Services Act.

I do not have any particular difficulty with the section with regard to support to families as it is enunciated in clause (b), but I do have some confusion as to what we are talking about when we refer to "family." It is interesting that there is



definition of "family" in this act. We have definitions of "child," "agency," "Indian," "native community" and all sorts of other things; but we do not have a definition of "family."

I would be very interested to know what it is we are talking about specifically, because those of us who may be a little paranoid about the limitations of that definition to nuclear families would have fairly restrictive views of what a family might be. I would very much like to know what it is we are considering a family.

5:50 p.m.

For instance, when we talk about native rights, because of the new definitions and new actions in that section, we are very specifically recognizing the role of the extended family. We are recognizing that extended family, as far as I can determine from this act, only in native communities. We are not recognizing it in terms of other communities within the province.

Why is there no clear statement in this section about the rights of children from other cultural groups, as there is for natives? Why did the minister not bring in the linguistic wording the committee asked for, to recognize the multicultural nature of our province? Why is less entitlement provided for those other children in our province than there is for native groups?

What are we to understand is the limitation now in French-language services, since the intention of the minister being able to extend French-language services beyond the specific areas the province has designated is not now in the wording before us? What are the limitations here? What regulations will control the expansion of delivery of services to the French communities in Ontario? There is very little in there for us to go on.

Although there is in this act a notion of help for families and a notion of recognition of the least restrictive response to the problems of children, there is no explicit statement about prevention. There is no explicit statement that prevention programs should be funded appropriately and that the programs are. When we talk about best interests and promoting the protection and wellbeing of children, how are we determining what is acceptable?

I will give an example. It seems to me there is a presumption in this act that children in all walks of life end up in our child welfare system, that they all might fall within the ambit of this act. It is true they might, but most well-to-do families will find themselves in voluntary compliance with various sections of this act and will purchase services on their own from psychiatrists or group

counsellors or will receive various kinds of help through their own capacity to pay in this society. They will not really be dealing with this act at all.

Essentially, we are talking about children from disadvantaged families being dealt with in this act. That is the reality. Children's aid societies in Ontario do not deal with the middle class. Children in need of protection are not middle-class children; they are not defined that way in our courts. In the real practice of the day, it is the children of poor families who cannot afford to purchase on their own services in the private market who fall under our child welfare system.

In Metropolitan Toronto, one child welfare worker told us that 95 per cent of the people she worked with were living below the poverty line. We thought this was a strange, probably anecdotal, thing until a director of a Catholic children's aid society came before one of our poverty hearings and gave us the statistics of who the society deals with.

The first statistic was that 66 per cent of the children in its care came from families that earned less than \$8,000 a year, and 0.34 per cent came from families that earned \$20,000 a year or more. Children's aid societies are dealing with the poor. They are the ones who fall into the definitions we will come to later on about a child in need of protection. They do not deal with the middle class and certainly not with the upper class in our society.

That begs the question of why we need this as a catching device, a safety net, for those who fall because of economic disadvantage. Why do we not put into this thing some means of this group providing for its own eventual elimination, if all were a Utopian world; some possibility for those people to participate in our society to the same extent as those people in this House are able to do? Why do we not basically put in place a major statement about prevention, major powers for judges to be able to order and a recognition of the basic standards that we should expect children in Ontario to accept as their right in 1984 and in the future?

I commend to members of the Legislature an act reintroduced by the member for Bellwoods, now Bill 86, An Act to declare the Rights of Children in Ontario. It is something we need fundamentally, in the beginning part of this act, to recognize what we see as basic rights, to recognize the right through judges and others in the system to ensure that those rights are being met before we start infringing on the liberties of poor families.

I will read from section 2, the member's declaration of rights, the things I think should be included in this act:

"(a) The right to food, clothing and housing in order to ensure good health and personal development." Anybody who knows anything about families on waiting lists for housing at the moment and about the kinds of choices some single mothers are making in giving up their children because they do not want them to live in unsanitary conditions while they wait nine months to get into Ontario Housing Corp. accommodations will know that if this were a fundamental right here, we would be talking about a very different kind of act, something that would force this government to produce proper sanitary housing for those families.

"(b) The right to an environment free from physical abuse, exploitation and degrading treatment.

"(c) The right to health care necessary to promote physical and mental health and to remedy illness." Again, the causes of kids' entry into care can often be found in these areas and not in the actual reasons given at the time with respect to acts of physical abuse that might have taken place.

"(d) The right to reside with parents and siblings except where it is in the best interest of the child for the child to reside elsewhere.

"(e) The right to parental and adult support, guidance and continuity in the child's life.

"(f) The right to an education which will ensure every child the opportunity to reach and exercise his or her full potential." That supposedly is now enshrined in Bill 82. I say "supposedly" because I am not convinced we have done that.

"(g) The right to play and recreation.

"(h) The right to have his or her opinions heard and to be included to the greatest extent possible

when any decisions are being made affecting his or her life." That right is recognized in a fashion in this act, but it is an area of concern because of the definitions of "consent" and of what is the proper involvement of children in major decisions affecting their lives.

"(i) The right to independent adult counselling and legal assistance in relation to all decisions affecting guardianship, custody or a determination of status." I am not sure this right is there for children who are put into children's mental health centres until they have already been in those centres for 90 days.

"(j) The right to a competent interpreter where language or a disability is a barrier in relation to all decisions affecting guardianship, custody or determination of status.

"(k) The right to an explanation of all decisions affecting guardianship, custody or a determination of status." That matter is addressed more in this act than it has been in the past.

"(l) The right to be informed of the rights of children and to have them applied and enforced. It is interesting that we will find this dealt with only with respect to the rights of children in institutions in this act; we will not find anywhere else.

**The Acting Speaker (Mr. Robinson):** I draw the member's attention to the clock.

**Mr. R. F. Johnston:** Just to leave this matter. I suggest we need to have those basic rights placed in the principles. We need to entrench in the principles the notion of prevention program to ensure that those rights are being provided. Without that, this act will not have our support.

On motion by Mr. R. F. Johnston, the debate was adjourned.

The House adjourned at 1 p.m.



## CONTENTS

**Friday, June 8, 1984**

### Statement by the ministry

How, Hon. J. W., Minister of Transportation and Communications:

**Buses for physically disabled** ..... 2299

### Oral questions

Andrewes, Hon. P. W., Minister of Energy:

**Retubing of nuclear reactors**, Mr. Foulds, Mr. Peterson ..... 2305

Davis, Hon. W. G., Premier:

**Adherence to Manual of Administration**, Mr. Peterson ..... 2301

**Use of government aircraft**, Ms. Copps, Mr. Breaugh ..... 2307

Diegel, Hon. R. G., Minister of Consumer and Commercial Relations:

**Adherence to Manual of Administration**, Mr. Peterson, Mr. McClellan ..... 2300

Drossman, Hon. L. S., Treasurer and Minister of Economics:

**Youth unemployment**, Mr. Peterson, Mr. Foulds ..... 2303

**Tax burden**, Mr. Foulds, Mr. Peterson ..... 2306

**Assistance for job seekers**, Mr. R. F. Johnston, Mr. McGuigan ..... 2308

McCague, Hon. G. R., Chairman, Management Board of Cabinet:

**Adherence to Manual of Administration**, Mr. Peterson ..... 2300

McNab, Hon. D. R., Minister of Agriculture and Food:

**Farm credit**, Mr. Riddell, Mr. Swart ..... 2309

### Petitions

**Equal pay for work of equal value**, Mr. Kolyn, tabled ..... 2311

**Independent schools**, Mr. Kolyn, tabled ..... 2311

### Motions

**Committee business**, Mr. Eaton, agreed to ..... 2311

**Business of the House**, Mr. Eaton, agreed to ..... 2311

### First readings

**Labour Relations Amendment Act**, Bill 97, Mr. Haggerty, agreed to ..... 2312

**Good Samaritan Act**, Bill 98, Mr. Haggerty, agreed to ..... 2312

### Second reading

**Child and Family Services Act**, Bill 77, Mr. Drea, Mr. Wrye, Mr. R. F. Johnston.  
adjourned ..... 2312

### Other business

**Invitation to dinner**, Mr. Ruston, Mr. Speaker ..... 2299

**Report of committee**, Mr. Robinson ..... 2312

**Adjournment** ..... 2328

**SPEAKERS IN THIS ISSUE**

Andrewes, Hon. P. W., Minister of Energy (Lincoln PC)  
Boudria, D. (Prescott-Russell L)  
Breauth, M. J. (Oshawa NDP)  
Copps, S. M. (Hamilton Centre L)  
Davis, Hon. W. G., Premier (Brampton PC)  
Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)  
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
Foulds, J. F. (Port Arthur NDP)  
Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Johnston, R. F. (Scarborough West NDP)  
Kolyn, A. (Lakeshore PC)  
McCague, Hon. G. R., Chairman, Management Board of Cabinet (Dufferin-Simcoe PC)  
McClellan, R. A. (Bellwoods NDP)  
McGuigan, J. F. (Kent-Elgin L)  
Peterson, D. R. (London Centre L)  
Philip, E. T. (Etobicoke NDP)  
Riddell, J. K. (Huron-Middlesex L)  
Robinson, A. M., Acting Speaker (Scarborough-Ellesmere PC)  
Ruston, R. F. (Essex North L)  
Swart, M. L. (Welland-Thorold NDP)  
Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
Turner, Hon. J. M., Speaker (Peterborough PC)  
Wrye, W. M. (Windsor-Sandwich L)











# **Hansard**

# **Official Report of Debates**

## Legislative Assembly of Ontario



**Fourth Session, 32nd Parliament**

Monday, June 11, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, June 11, 1984

The House met at 2 p.m.

Prayers.

## HOCKEY CHAMPIONSHIP

**Mr. Eakins:** Mr. Speaker, on a number of occasions the Minister of Tourism and Recreation (Mr. Baetz) has very appropriately brought the attention of this House outstanding young amateur athletes who represent Ontario.

The Bobcaygeon Bantams recently won the Ontario D hockey championship and are here today in the members' gallery accompanied by their coach, manager and members of the Bobcaygeon village council. They are all champions. I am sure members would want to welcome them here today.

## ELECTION ANNIVERSARIES

**Hon. Mr. McCague:** Mr. Speaker, I would like to ask the members to join me in offering our best wishes to the member for Brampton (Mr. Davis) and the member for Windsor-Walkerville (Mr. Newman) on the occasion of the 25th anniversary of their first election to this House on June 11, 1959.

It is good to know both gentlemen are in fine health and continuing to enjoy their respective responsibilities. We wish them many more years of happiness in public service and personal life. I might add that last Saturday, June 9, marked the 29th anniversary of the first election of the man who continues to serve as the "father of the House" or the most senior member, the member for Wellington South (Mr. Worton). I know the House was pleased he was able to attend the recent D-Day 40th anniversary remembrance events in Normandy with other representatives, including the member for Scarborough North (Mr. Wells) and the member for Riverdale (Mr. Penwick).

**Mr. Peterson:** Mr. Speaker, I will join for a moment in the happy tributes being paid today to some of our esteemed colleagues who have survived in this institution for a goodly number of years, a lot longer than some of us are going to survive here, believe me.

I am delighted to pay tribute to my esteemed colleague the member for Windsor-Walkerville, who today celebrates 25 years in this House.

There is no other member with a sense of commitment and duty similar to that displayed by my colleague. He has served dutifully and well. As members know, he is in excellent health, and I fully expect he will be here for another 25 years as well.

It is typical of my colleague that he is too modest to be here to receive all this attention. He is one of the great attenders in this House and it is an aberration he is not here today. He will get a copy of my remarks in Hansard, suitably framed in a scroll with as many signatures as we can get to say collectively—not just from the members of my party but I am sure from the members of all parties in this House—he has done a good job and served the people of Ontario well. All those in this business, knowing the vagaries and the uncertainties of political life, respect anyone who has lasted that long, even if he happens to be a Premier in some particular cases.

My colleague the member for Wellington South, who was alluded to by the minister, the real dean of us all, represented the government of Ontario in an official capacity at the D-Day commemorations. We could not be more proud to have him as one of our official representatives, along with the government House leader, to take our best wishes to those ceremonies.

**Mr. Rae:** Mr. Speaker, according to the *Globe and Mail* of June 11, 1959, it was a very hot and muggy day. The paper ran the important news, "Own Dog Stains Rug; Insurers Must Pay." The *Toronto Daily Star* ran a story on election day that pointed out that the Canadian dollar was up to \$1.04. How long ago that seems.

I cannot help noticing that on June 11, the then member for St. Andrew-St. Patrick, Mr. Grossman, the police having taken down 500 election signs they believed had been put up improperly, which subsequently they were told was not the case, issued a pre-emptive strike. "Last night the CCF had a few gangs of beatniks, and that is all you could call them, a bunch of young teen-age punks pulling down my signs." That was in the *Tely*, I want to point out.

We were told on June 11 that butter was 59 cents a pound—this is almost like ancient history—porterhouse steak was 79 cents a pound and lean minced beef was 39 cents a pound.



**Hon. Mr. Brandt:** That was before Mel was around.

**Mr. Rae:** That was before the member for Welland-Thorold (Mr. Swart) was elected.

The next day there were articles by one Frank Drea, the Telegram staff reporter, saying the election marked "the kiss of death" for the new party.

Buried somewhere in the Toronto Telegram on the next day was a small article under the headline, "Metro Fringe Ridings: Tradition Decides Tight Battles." There was discussion of a number of ridings and then the small headline, "Same Old Story." It went on to say:

"In Ontario and Peel it was the same old Conservative story. Despite a couple of aeronautical storm centres, it was smooth flying for PC Peel Bill Davis, who at 29"—count them—"will be one of the youngest at Queen's Park. Lawyer Bill bucked Avro Arrow discontent and the Malton airport land expropriation hassles to win in the best Tom Kennedy tradition."

The Telegram says he whipped his opponent by 2,000 votes. I want to say for the record that when I won by 2,500 votes it was described as a "squeaker."

The member for Peel, who of course today is the member for Brampton, made a couple of interventions fairly early in his career, but I just want to quote from one, which was a speech on the budget, March 28, 1961, to show how little things have really changed. I want to read this sentence; it is all one sentence. He is talking about government spending and this is what he says: "I am the first to agree that in a period of expansion, government spending must of necessity keep pace; yet I believe it is time to assess the demands presently being made on government and obviously what the demands will be and what our position should be in view of what are the inevitable future demands."

**2:10 p.m.**

One of my predecessors said, "The people of Ontario can scarcely dislike what they cannot comprehend." I think the record started just about 25 years ago is one that has been playing on and off for many years since then.

On behalf of our party, I want to rise to wish the Premier well on the 25th anniversary of his election to this place. We wish the very best to the member for Windsor-Walkerville as he celebrates the same anniversary, and we wish our very best to the member for Wellington South, the member for Guelph, of whom we all think with so much affection. We are so glad to see him back in the House in good health and so proud of

the way he was able to represent us overseas very recently.

It is a great honour to be a representative in this Legislature. We all think back to our first election as a time of great moment in our lives. We would like to wish these members well for the next 25, 30 or 50 years. I am sure the member for St. Andrew-St. Patrick (Mr. Grossman) and the member for Don Mills (Mr. Timbrell) will join with me in wishing the Premier another good, healthy, 25 years as the member for Brampton.

## STATEMENTS BY THE MINISTRY

### BICENTENNIAL QUILT

**Hon. Mr. Timbrell:** Mr. Speaker, the order of speaking was not planned.

It is my pleasant duty to extend to the honourable members an invitation to a special bicentennial event to take place in this building this afternoon. In connection with this, I would like to introduce to my colleagues two guests we have with us today. They are seated in the Speaker's gallery, and I would ask them to stand. They are Mrs. Charlotte Johnson, president of the Federated Women's Institutes of Ontario, and Mrs. Janet Hiepleh, past president of the FWIO and also a member of the Ontario Bicentennial Advisory Commission.

They are here representing the Federated Women's Institutes of Ontario to present a wall hanging to the people of Ontario. There were about 200 individuals involved in this project, and the finished product is a fine tribute to their skills. The wall hanging is a combined effort of FWIO members from 48 counties and districts across the province. It is typical of the spirit of this organization, whose members have given of themselves in this way to celebrate Ontario's bicentennial.

The women's institutes are organizations of which we can all be justly proud. Started in Stoney Creek close to 90 years ago, they have become the largest women's organization in the whole world. I invite the members to join with the Deputy Premier (Mr. Welch), the parliamentary assistant to the Premier and member for Scarborough East (Mrs. Birch), and myself as we accept this work of art on behalf of all the people of Ontario. The unveiling ceremony will take place this afternoon at 3:30 p.m. on the third floor between the public galleries.

### RAPID TRANSIT

**Hon. Mr. Snow:** Mr. Speaker, as you will recall, back in October 1982 I announced the



province's strategy for an interregional rapid transit network that would serve the area between Oshawa and Hamilton. In that announcement I outlined our desire for a co-ordinated approach to the future development of transit services, an approach that would give the municipalities an opportunity to integrate their local systems with an interregional rapid transit program.

As part of that plan, I described proposed extensions to the existing GO Transit lakeshore line, one linking Oakville to Hamilton in the west and another connecting Pickering to Oshawa in the east. These extensions were seen as the first application of the advanced light rail transit, or ALRT, technology developed by the Urban Transportation Development Corp. and would serve as the initial stage in the eventual construction of an electrified system on the lakeshore route.

I also outlined our proposal for an east-west rapid transit line that would extend across the north of Metro Toronto, connecting Pickering to Oakville and servicing the Scarborough Civic Centre, the North York City Centre, northern Etobicoke, the airport and the Mississauga City Centre. In addition, I announced our intention to work closely with the railways to determine what capacity improvements are possible on the existing lakeshore rail system. At the same time, I announced we would identify an alignment for the ultimate GO-ALRT system on its own right of way in the lakeshore corridor.

I would like to take this opportunity to provide a progress report to the members on developments that have impacted on this strategy during the intervening 20 months. First of all, I am happy to report we are making significant advances on the initial phase of the GO-ALRT program, as evidenced by the imminent start of construction on the eastern extension from Pickering to Oshawa.

The first contract was awarded recently, with work scheduled to begin this month on grading and drainage for a 7.2-kilometre section of guideway. This initial track segment will be used to test this new line of vehicle and system controls and will give us an early opportunity to see the advanced light rail vehicles in operation. This year another four contracts will be awarded for the Pickering-to-Oshawa extension, followed by three more in 1985.

As work gets under way on the eastern extension, I feel this might be an appropriate time to thank publicly the Durham regional council and the municipalities of Pickering, Ajax,

Whitby and Oshawa for the co-operation they have given us in the early stages of this project.

Meanwhile, however, there has been some speculation concerning our planning activities on the proposed route through north Metro. I would like to assure the House that this planning is continuing. Members will recall I informed them in October 1982 that the province would be working with the Toronto Transit Commission, Metro Toronto and other affected municipalities to select possible future alignments for this service. These investigations are currently being conducted and are proceeding well. In fact, as part of this overall joint effort, we have received from the staff of the TTC an extensive review of local rapid transit proposals.

This report indicates that the immediate concern of the TTC is the Sheppard Avenue corridor, which is already one of the most heavily travelled transit routes in the municipality and is increasing at a rate greater than any other route served by the TTC. The recommendations therefore call for a rapid transit service along Sheppard, stretching from a proposed station on the extended Spadina subway line to the Scarborough Civic Centre with a link to the Pickering-Oshawa GO-ALRT. Another line is proposed along Eglinton running from the Spadina subway to the vicinity of the airport, with consideration of a future link to the Mississauga City Centre.

In response to these recommendations, I am prepared to lend support through the municipal transit subsidy program to the planning and implementation of these two proposed routes. I concur with the TTC's observation that the provision of these transit services will promote the desired development of the North York and Scarborough city centres, as well as improve the overall transit accessibility in north Metro.

Because of the nature of the ridership on these routes, the most cost-effective method of proceeding with our strategy to integrate municipal and interregional systems is to support the TTC plan. We believe their proposals will provide efficient service for the increased volumes of local traffic in these corridors. The combined effect of these proposed rapid transit lines will be to establish a service across the northern part of Metro Toronto that will meet local needs and, at the same time, keep pace with requirements for interregional transit in the immediate future.

We will, of course, continue with our joint study to determine a future corridor for the GO-ALRT line through north Metro to ensure



that an appropriate interregional service can be put in place when this transit need develops.

Meanwhile, on the subject of the western extension of GO-ALRT service along the lakeshore, I outlined in 1982 my intentions to proceed with plans for a line between Oakville and Hamilton. So far we have been successful in defining an alignment and obtaining municipal support for the Oakville-Burlington sections. However, considerable concern has been expressed by individuals and organizations over a route into the city of Hamilton.

The technical advisory committee has established a preferred alignment. We are awaiting the decisions of the Hamilton city council and the Hamilton-Wentworth regional council regarding its proposal. As I am sure members can appreciate, no design or construction commitments can be made until this issue is resolved.

**2:20 p.m.**

Turning our attention to the lakeshore line, in 1982 I directed GO Transit to work with Canadian National on identifying possibilities for short-term improvements to the existing service. Since then the two organizations have been investigating ways to accommodate the anticipated growth in travel between Pickering and Oakville.

We are now aware of problems and opportunities on the line, and it appears from our discussions with CN that increased service is possible with minimal funding through the addition of extra trains. Furthermore, representatives from the Ministry of Transportation and Communications, the Toronto Transit Commission and GO Transit are currently working together to look at future commuter demands on the lakeshore route, recognizing that there is a variety of passenger needs in this highly congested corridor. This particularly applies to the central waterfront area, where major developments are envisaged.

We are also continuing our co-operative studies with the railways to investigate all opportunities involving the use of this vital rail corridor for long-term interregional rapid transit requirements.

I want to reiterate our position that we are committed to an interregional rapid transit system that will serve the Golden Horseshoe area well into the future. The system and its accompanying Ontario-produced technology are still at the centre of our commitment to give the region the kind of modern, economical rapid transit system it deserves.

## AMERICAN MOTORS AUTOMOBILE PLANT

**Hon. Mr. Grossman:** Mr. Speaker, I have the pleasure of bringing to the Legislature this afternoon more important news about automotive investment in Ontario.

A week ago today the Chairman of Management Board (Mr. McCague) stood before this House to tell members that the Minister of Industry and Trade (Mr. F. S. Miller) was in Ottawa announcing with the federal Minister of Regional Industrial Expansion that the first Japanese vehicle assembly plant to be built anywhere in Canada was coming to Alliston, Ontario. Subsequently, notice came from General Motors of a \$255-million investment in its St. Catharines engine plant.

This afternoon the Premier (Mr. Davis) and the Minister of Industry and Trade are at the American Motors plant in Brampton, where they, along with American Motors president Jose Dedeurwaerder and the Honourable Ed Lumley, are announcing a federal-provincial agreement with American Motors Corp. to establish a state-of-the-art car assembly facility in Brampton.

[Applause]

**Hon. Mr. Grossman:** Just one out of 125? That is the first time the honourable member has shown some leadership, and he could not get any followers.

This is a \$764-million project. The government contribution will be a maximum of \$121 million, to be shared equally between the federal and Ontario governments. A royalty payment on the cars produced at Brampton will provide a return on the crown's assistance.

The new plant is scheduled to open in July 1987. It will manufacture a new line of intermediate-sized cars under a North American product mandate. American Motors expects annual sales to exceed 150,000 cars by 1990, more than five times Brampton's current production.

The project involves more than 7,000 jobs. Twelve hundred people now work at the Brampton plant, and the new plant itself will employ about 1,800 more. A further 4,200 jobs in satellite parts facilities and other Canadian parts industries are expected.

The announcements of Honda locating in Alliston and American Motors building a new facility in Brampton are the results of federal-provincial co-operation. Further, they show the high regard for this province held by major automobile manufacturers throughout the world.



All the Big Four auto manufacturers of North America have now made commitments to upgrade and modernize plant and production facilities in Ontario to meet worldwide automotive challenges. We hope Honda is only the first of the Japanese vehicle manufacturers to see the benefits of locating in Ontario. We welcome this American Motors initiative, which, with its Renault connection, brings an important European auto maker to our province.

In few other industries has the impact of economic transformation been more evident than in the automotive sector. Our automobile manufacturers have faced the pressures of aggressive international competition and are now helping to lead Ontario's economic expansion. These major investments will provide new jobs and opportunities throughout the province and will further strengthen the cornerstone of our industrial base. This major AMC investment in Brampton is truly a great testimony to the strength of our economy and our continued recovery.

I might add that it is a bit of a personal triumph for our Premier.

## RESPONSE TO QUESTION

**Mr. Riddell:** Mr. Speaker, on a point of privilege: When I put a question to the Minister of Agriculture and Food (Mr. Timbrell) last week, I could not hear his answer because of the interjections. I checked through Hansard and noted that he answered a rather embarrassing question with an old phrase we have all heard many times, "a battle of the wits with an unarmed opponent." Regarding the minister's self-designation as a wit, he is half right.

## ORAL QUESTIONS

### USE OF GOVERNMENT AIRCRAFT

**Mr. Peterson:** Mr. Speaker, I have a question for the Minister of Natural Resources with respect to government policy on the use of government aircraft. I would like him, as the minister responsible, to answer several questions.

There is no doubt that he is aware of the Manual of Administration rule in this matter and that it has been broken by the private trip of two ministers of the crown as well as a senior civil servant. What is the policy with respect to the private use of aircraft for members or cabinet ministers? In this instance, who gave the authorization, how much was the bill, who was charged and who is paying for it?

**Hon. Mr. Pope:** Mr. Speaker, the Leader of the Opposition has the manual, so he knows what the policy is. He also knows it is the individual minister's responsibility with respect to the use of aircraft. If he wants to engage in a debate with the Premier (Mr. Davis) on that issue, instead of congratulating him on what has been happening in the automotive industry in this province, that is up to him.

**Mr. Peterson:** The responsibility is constantly juggled among the Minister of Natural Resources, the Chairman of Management Board of Cabinet (Mr. McCague) and various other ministers, and no one takes responsibility for the violations of the Manual of Administration. In this case—

**Hon. Mr. Brandt:** There are no violations.

**Mr. Peterson:** Of course there are. The honourable member should read it. The member has never read it. If he had, he would know there are wholesale violations going on.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** I want the minister to confirm what a government source has told us, that the billing rate for that aircraft is \$304 an hour. In this case the total bill for the parties who used that aircraft would come to about \$450. Yet if one compared that with private, chartered aircraft, Flightexec would charge \$1,600 to \$1,700, Central Airways would charge \$1,600 to \$1,650 and Toronto Airways would charge about \$1,900 for equivalent flights.

How can the government justify chartering aircraft to members of the crown at a cut rate, obviously subsidized by the taxpayers of this province?

2:30 p.m.

**Hon. Mr. Pope:** I do not know how the Leader of the Opposition can justify the statement that it is a cut rate. It is on a cost-recovery basis. If the honourable member says it is a cut rate, I presume he has the statistics to back it up. It is obvious we are in the last two weeks of the session when this is the member's leadoff question.

The responsibility for the use of government aircraft, which is a service the Ministry of Natural Resources provides, lies in the hands of the individual ministers who seek to use government aircraft. They are the ones who, as always, account to the House for their use.

**Mr. Peterson:** As the minister in charge of the provincial aircraft fleet, would the Minister of Natural Resources not agree that he has a responsibility in this matter, or is he denying all



responsibility for this violation of the Manual of Administration? Is the minister saying it is not his fault or it is the fault of his colleague who is sitting beside him? Is it the Premier's fault? Who is responsible for this violation of the Manual of Administration?

**Hon. Mr. Pope:** First of all, the word "violation" is the Leader of the Opposition's, not mine. It is my responsibility to provide a service to members of the cabinet and the government's to authorize personnel to use aircraft. We can go right back to the early 1970s on this one, before I was in the House. The responsibility for answering for the use of government aircraft lies with the individual ministers.

### CHRONIC CARE

**Ms. Copps:** Mr. Speaker, I have a question for the Minister of Health. The minister is no doubt aware of the increase in the number of people who need chronic care, both at home and in institutional settings.

Can the minister tell this House why his ministry has refused to approve ministerial funding for two programs? One program is the Mohawk Community Health Services Centre program attached to Joseph Brant Memorial Hospital in Burlington, and the second program is the respite home care program of Alzheimer patients run by the Alzheimer Society of Ontario.

Why has his ministry refused to approve funding in both those instances where people are being kept in their homes as a result of positive, community-based programs?

**Hon. Mr. Norton:** Mr. Speaker, I believe the honourable member received a copy of the letter I sent to the chairman of the board of Joseph Brant Memorial Hospital last week, prior to their meeting, indicating my support for their continuing to operate the program until such time as we were in a position to provide some funding support.

The problem with that program is that it was introduced and implemented by the hospital without any consultation with the ministry or without ministry approval, thereby making it impossible for us to have budgeted for it. To that extent, by taking that initiative on its own, the hospital was the author of its own present difficulties. My hope is that the hospital will be able to sustain the program until such time as we have an allocation of additional funds to fund some further new programs.

When discussing this, I think it is important to bear in mind why the problem arose. It was not through lack of appropriate planning on the part

of the ministry but rather the lack of appropriate planning and consultation on the part of the hospital.

**Mr. Speaker:** Thank you. Supplementary?

**Hon. Mr. Norton:** There was a remaining part to that question.

**Ms. Copps:** I wonder whether the minister can clear up for this House why he has been unable to find money for the programming of the Mohawk Health Centre in Burlington. Also, why has he been unable to find \$1,100 a month to keep 18 volunteers in London doing home visits to 16 Alzheimer patients?

He was very quick to come up with funding for the bicentennial baby program sponsored by his ministry in which his government gave out spoons and certificates to bicentennial babies at a total cost of more than \$61 each and a tab to the taxpayers of more than \$11,000.

**Mr. Speaker:** Question, please.

**Ms. Copps:** If the minister can find \$11,000 for spoons and certificates for the bicentennial baby program, why can he not find the money to keep 120 people out of hospital?

**Hon. Mr. Norton:** If the member reflects for a moment upon her own question, I am sure she will know the answer. There is a very real difference between making a commitment for ongoing funding without having had an opportunity to plan it as part of our budget, recognizing that it will be an ongoing, annual expense, and being able to take a one-time initiative with available funding in recognition of the bicentennial of this province. They are two quite different matters in terms of approach to budgeting.

If someone had asked that we find money to fund spoons and certificates at that rate every year for an indefinite time, my answer would have been no. But at the time, it happened we were asked to find particular initiatives we might undertake to recognize the bicentennial, something related on a one-time basis to the field of health. The one thing that was suggested and accepted was the idea of acknowledging those children who were born as New Year's babies this year, so they or the parents might have something to remember the significance of the timing of their birth. We were able to find that funding, but we would not be able to do that on an annual basis for an indefinite period.

**Mr. Wrye:** Mr. Speaker, the minister managed to find not just a few thousand dollars for the bicentennial, after he concocted a bicentennial that is not mentioned in any history books, but he found about \$10 million, and Lord knows how



much has been hidden away. His whole government did and he is part of the government.

I want to remind the minister that in October 1981 his predecessor once removed, the current Minister of Agriculture and Food (Mr. Timbrell), promised delivery of homemaker services for the frail elderly and the adult handicapped. By 1982-83 we were to have five or six pilot projects, and presumably the whole thing would be going full tilt by the latter half of the decade. We are now told it will be the end of the decade before this very necessary program is even in place.

When his government has \$10 million for this bicentennial boondoggle, why does the minister not have any money for the frail elderly in this province?

**Hon. Mr. Norton:** Mr. Speaker, I do not know where the honourable member is getting his timetable with respect to that program. I have said repeatedly it is our intention to proceed with that initiative within this fiscal year.

#### TRAUMA UNITS

**Mr. Rae:** Mr. Speaker, my question is to the Minister of Health. The minister will be aware that today the Canadian Association of Emergency Physicians has issued a release saying, "The Canadian Association of Emergency Physicians agrees that as many as 400 Ontario citizens die needlessly each year as a result of injuries from car-accident trauma." They say specifically the minister is misinformed with respect to his answers to questions raised last week. They say most well-informed experts agree with Dr. McMurtry that up to 400 people in Ontario are dying unnecessarily every year because of the failure of the government to designate trauma centres.

How does the minister respond to that statement from those experts? Are they also engaging in histrionics and are they being irresponsible?

**Hon. Mr. Norton:** Mr. Speaker, I maintain it is impossible to substantiate any specific figures that are quoted; they are arrived at by a variety of methods of estimation. There may be some consensus among the people who prepared that press release—I believe the gentleman is also located at the Sunnybrook Medical Centre—that the figure is of that approximate magnitude. I believe those kinds of arguments accomplish nothing.

One of the problems one finds in the various methodologies used is that very often the methodology was developed by using American

standards, where some 30 to 40 per cent of trauma cases are a result of gun and knife wounds. This is clearly not the case in Canada and therefore those standards are not necessarily applicable to this jurisdiction at all.

All I was suggesting last week was that if one starts quoting specific figures, or even specific ranges of figures, one is in a very risky area and it achieves nothing other than to create unnecessary alarm. The fact of the matter is that if one wishes to reduce the risk of death of victims of trauma, it requires a whole range of services that are part of the planning and implementation of a comprehensive emergency health system in this province, which is under way and of which the trauma unit is only one part.

One cannot isolate trauma units as being the sole factor if, for example, one does not have the capacity to get the victims to the appropriate trauma units within a certain time frame. The point I want to make is that one has to plan and implement these things on a reasonable and rational basis.

2:40 p.m.

**Mr. Rae:** Since the minister is quarrelling with the specific figures from these people, who apparently know less than the minister—after all, they are only the people who are in the Canadian Association of Emergency Physicians and the minister is the Minister of Health, so his expertise is obviously far greater than theirs—I wonder whether he disagrees with the following statement: "Mortality in the critically injured increases by 33 per cent for each 30 minutes of delay from the time of the accident to the time of suitable treatment." Does the minister disagree with that specific statement?

**Hon. Mr. Norton:** Going back to the preamble, if I might just for a moment, I would not suggest I am more knowledgeable than the individuals the member for York South is relying on for his information. All I am saying is that he is selective in the information he is using in that there are professional opinions that do not necessarily concur with those he has chosen to cite.

With respect to the time frame the member has chosen, I do not know. I could certainly check that with others to see if it is generally accepted within the field of emergency medicine. Certainly, the time frame within which an individual victim reaches the appropriate treatment is clearly a critical element. In certain kinds of emergency medicine—for example, for cardiac victims—it is even more critically important that the person who has first contact with the victim



be able to administer assistance such as cardio-pulmonary resuscitation. That may be more important than any of the other factors in the victim's survival.

**Ms. Copps:** Mr. Speaker, am I to understand from what the minister has said that when communities have an infrastructure in place that includes people trained in CPR, the intra-hospital network and a 911 system, he will consider expanding the current paramedic program that is operating in Toronto and Hamilton to include those municipalities? I am thinking specifically of Ottawa, where the minister will know there is a plan being put forth to include 911. Will Ottawa get approval to begin a paramedic program immediately the 911 system is in place?

**Hon. Mr. Norton:** Mr. Speaker, in fairness, I have had some discussions with people from the Ottawa area who are keenly interested in seeing some progress there, but there are a number of other steps besides 911 that have to be taken there first.

**Ms. Copps:** Which are in this.

**Hon. Mr. Norton:** No, they are not in the Ottawa area. They do not have, for example, central dispatch. They do not have a region-wide system of ambulance service; they have a fractionated one at the moment which we hope to see, perhaps within this fiscal year if all goes well, united into one comprehensive ambulance system.

If they had all those elements in place, then surely the next step could be to consider that, once we have finished the first phase of the pilot projects. Obviously, we are still at the point where we are evaluating the paramedic training program and its implementation in Hamilton and in Toronto. It may be a year or so before we are able to take any further steps, and it would take at least that long for Ottawa to have the other elements ready.

**Mr. Rae:** The quotation I read to the minister was from a speech the Premier (Mr. Davis) gave to the Canadian Association of Chiefs of Police in 1975. He said, "We envisage a province-wide system of medical trauma centres across the province." That was followed up by a statement from the Ministry of Health saying at least 2,000 patients could have been saved if they had had a proper emergency care system. Then there were statements from the Treasurer (Mr. Grossman) in 1982 and from the Minister of Intergovernmental Affairs (Mr. Wells) in 1982.

Statements were made by coroner's juries in nine recent cases alone, calling for trauma

centres and the upgrading of emergency care in order to save lives. People are dying of heart disease and in car accidents. Little children are dying because they have aspirated their stomach contents in a schoolyard accident. How many people does it take and how many deaths have to occur in Ontario before this government will respond? The government has been promising a program for 10 years. When is it going to be put in place to save lives in Ontario?

**Hon. Mr. Norton:** That was a neat little sleight of hand the honourable member tried to engage in, but I caught him out.

The member quoted to me, perhaps from a speech that was made by the Premier or one of my predecessors, but he also has to admit that he quoted to me something I would not disagree with. He did not quote any specific figure in terms of numbers of individuals when he quoted it to me. That is what I was questioning.

I have never questioned the fact that all these measures are part of an effort to save the lives of trauma victims. I have never questioned that. I have said it is dangerous to try to speculate about specific numbers.

**Mr. Rae:** That is not what the minister said. He accused people of being irresponsible and of having histrionics.

**Mr. Speaker:** Order.

**Hon. Mr. Norton:** That is precisely what I was objecting to. It is precisely what I am still objecting to.

The fact is I agree with what the member has quoted from the Premier or from predecessors of mine. That has given rise to the policy that has been adopted by this government, which includes the establishment of trauma centres across this province as part of a comprehensive emergency health care system.

The leader of the third party should not stand up and try to deceive people who might be listening—I will retract that, Mr. Speaker, before you ask me to—try to create the impression the member has somehow pointed out that I have been contradicting my predecessors or my colleagues. I have not been. I agree with that; I have never disagreed with it. I do not agree with the member's fast and loose use of figures he cannot substantiate.

**Mr. Rae:** Those are not my figures. They are figures from experts in the field. There is nothing fast and loose about them.

#### INSPECTION OF NURSING HOMES

**Mr. Rae:** Mr. Speaker, I have another question for the Minister of Health. I will show



the minister a face cloth that comes from the Parklane Nursing Home in Paris, Ontario. I will show the minister a bath towel from the same home. One can practically see right through it.

What is happening with the minister's so-called nursing home inspection system? In September 1983, a nursing home inspection team could go into a home, as it went into the Parklane Nursing Home in Paris, and find restorative care was not being provided for some residents, that some residents were not shaved or dressed, that beds were still unmade in the afternoon, that residents in geriatric chairs were not repositioned every two hours, and that some of the linen in circulation needed to be replaced.

When they went back in March 1984, after complaints from one of the physicians who was caring for a resident there, they found exactly the same problems with respect to the most basic quality of care for residents. What is happening with the nursing home inspection system in this province?

**Hon. Mr. Norton:** Mr. Speaker, first, with regard to the relevant question, I do not know the answer off the top of my head. I would not presume to. I do not know whether what the member held up in the House are what they have been presented to him as being.

Second, if so, were they being used? The more critical question is whether the individuals who are being cared for there are being maintained in clean, sanitary and healthful circumstances. I am sure that in the homes of many people who are members of this Legislature the member might find a face cloth or a towel that was in less than perfect condition. I can assure the member that he could in my place of residence. I had better not speak for my colleagues.

What is more critically important is the circumstances under which the individuals are being maintained. The member knows full well that since I came to the ministry we have undertaken a number of initiatives, building on initiatives taken by my predecessors, in terms of the enforcement of inspections of the nursing home industry in this province.

**Mr. Rae:** They have not worked.

2:50 p.m.

**Hon. Mr. Norton:** They have definitely worked. In fact, I believe that as of this month we have come on stream with additional inspectors hired subsequent to my announcement in December 1983. I believe they are now in the field. Furthermore, we now have on staff a full-time seconded crown attorney who is handling the prosecutions and who was temporarily delayed

because of his involvement in another rather high-profile trial in Ontario.

He has brought on staff an experienced senior officer of the Ontario Provincial Police who has been providing additional training for the inspection staff in the area of collecting and preparing evidence for appropriate and successful prosecutions. I do not think the leader of the third party can really stand up and say we are not doing anything about it.

**Mr. Rae:** Let the record show the minister's response to a declining quality of care is to giggle in the Legislature.

**Mr. Speaker:** Question, please.

**Mr. Rae:** The nature of the depth of the minister's response to what is going on is a long, prolonged giggle. That is the extent of his concern.

I would like to say to the minister that these towels were in use. We had the assurance, evidence from someone, that these towels were being used and that was mentioned in both reports.

**Mr. Speaker:** Question, please.

**Mr. Rae:** Why did it take more than six months for his ministry to respond after the initial inspection which found so many problems? Why did it require a physician to call in, in order to get the inspection staff back after those initial inspection reports?

Why did it take the following for the ministry's inspectors to go back in? There were three reports, dated March 25, 26 and 28, from a physician who notes the lack of supervision and the lack of numbers of people on staff to provide care. I quote: "Patient fell off bedpan. Patient unsupervised at the time. Second fall recently." March 26: "Patient fell off the toilet. Unsupervised at the time." March 28: "Patient fell, as noted. Two recent other falls. Inadequate staff for supervision of patients."

Why does this kind of thing have to happen to people in Ontario? These are older people who are in desperate need of care and for whom all of us want to provide quality care. Why does this continue to happen? We have been bringing it up for years in this Legislature. Why can the minister not devise a system which ensures quality care for all of us as we get older in Ontario?

**Hon. Mr. Norton:** First of all, I think it ought to be pointed out to the member that the kinds of incidents he is citing are not common in their occurrence in nursing homes or any other long-term care facility in this province. I agree



they are totally inappropriate and ought not to be occurring, but it always mystifies me when the leader of the third party has such information or claims to have such information as this that he chooses only to raise it with me in this particular setting.

**Ms. Copps:** Mr. Speaker, the minister is no doubt aware there are dozens of members, I think on all sides of the House including the government side, who have written to him with concerns about nursing homes, and I think for him to stand in this House and say the issues are raised only in the House is utter fallacy.

Does the minister not think it is time we developed an independent complaint commission to deal with issues which are not being followed up by the inspection services? It is clear that time and again we are having reports that the inspection service is not following through, does not have the time to follow through, does not have the numbers to follow through. Does the minister not think an independent complaints commission, independent of the Ministry of Health, structured along the lines similar to the current Ombudsman, would be at least an effort to try to bring some balance into the system?

**Hon. Mr. Norton:** Mr. Speaker, first of all, these preambles always include a statement that deserves a response. Of course I hear from members from time to time and I hear from ministry staff from time to time of infractions that have occurred with respect to the regulations. We do pursue those and we do pursue them more vigorously all the time. We will continue to try to ensure that in the system these things either never occur or the chances of their recurring are very limited.

With regard to the honourable member's suggestion with respect to an independent commission, I do not know whether she has in mind precisely what we are doing. As she may be aware—I think I have announced it—we are establishing an independent appeal process whereby matters that are not dealt with adequately in the view of residents and residents' councils can be brought before a provincial appellate body, which will hold a hearing in the locality of the home and make recommendations with respect to the resolution of those issues that do come up.

I expect they will deal primarily with non-regulatory issues, because they are issues that relate to quality of life, which are not specifically part of the regulatory framework and may never be; it may even be impossible to cast them in the context of regulations.

Basically that is the kind of objective we have and I hope we will shortly have that body in position and operating. In fact, we hope it will operate on a regional basis, perhaps with one common chairman to maintain province-wide standards.

**Mr. Cooke:** Mr. Speaker, the minister should realize from the violations that have been cited on this particular nursing home that we are not talking about minor violations. One of the violations cited was that people were restrained in chairs and they were not even being repositioned. All the minister has to do is to visit nursing homes that are nonprofit and properly run and he will find they put enough staff in place so the residents do not have to be tied into their chairs.

**Mr. Speaker:** Question, please.

**Mr. Cooke:** When is the minister going to realize the only way to achieve dignity and a proper quality of life for the residents of nursing homes is to take the profit motive out of the nursing homes and make them nonprofit so the quality of the care and quality of life come before profits for the large corporations that run many of these nursing homes?

**Hon. Mr. Norton:** Mr. Speaker, if the honourable member really does believe this is the bottom line with respect to the problems that exist from time to time, then he is being very naive. Surely even he remembers that just a very few years ago I was faced with the prospect of being cited for contempt of court on a matter relating to a public servant in this province who had physically abused a mentally retarded resident in a home that was not run for profit at all. In fact, if I recall correctly, the majority of the members of his caucus at that time supported the employee and not the resident.

[Later]

**Mr. McClellan:** Mr. Speaker, on a point of privilege: I rise to correct the record. The Minister of Health said in his last answer that when he was Minister of Community and Social Services he disciplined an employee who had abused a resident at Orillia. He implied our party had opposed that disciplinary action. That statement is completely false. I was the critic of the day and it is my record that is being maligned. I called for disciplinary action, as did my leader, and this party supported that disciplinary action—

**Mr. Speaker:** Order. Would the honourable member resume his seat? I would point out to the member—



**Mr. McClellan:** The minister can take his cheap shots if he likes, but that is the truth.

**Mr. Speaker:** Order.

#### ADMINISTRATION EXPENDITURES

**Mr. Haggerty:** Mr. Speaker, I have a question of the Minister of Government Services which relates to the answer, such as it was, he gave to this House on May 10 regarding the skyrocketing increases in consultants' services by his ministry.

The minister read into the record the dollar amounts expended in the field of consulting services but provided no other information that would allow us to assess the need for the increase in consulting services. The minister states: "We are only too happy to provide answers within reason. That does not include, in this case, the background on who did or did not get something which way, or how many contracts there were."

Why will the minister not provide the information when his colleague the Minister of Revenue (Mr. Gregory) was able to provide details of his consulting contracts from 1978 onward?

**Hon. Mr. Ashe:** Mr. Speaker, I guess it is all a matter of perception of what one feels is complete. I said at the time of my estimates, and I will gladly repeat, I do not think it is appropriate or fair to the taxpayers of this province to put any ministry, as far as that goes, to the trouble of going into files from many years back at great cost to the taxpayers to come up with some figures that really will have no great meaning to the member opposite in any event.

I did provide that day, and again I am quite prepared to do so, a breakdown of the management consulting services and, more important, I was able to answer as to the reasons they have been increasing in the last couple of years. Surely the question that is really being asked is why have they increased, rather than absolute numbers on whether it is up so many dollars or whether it is this many or that many contracts.

3 p.m.

In fact, there are great reasons. The biggest one over the last number of years, of course, is the development in the use of computers within government. That accounts for approximately half the total expenditures in 1982-83 and even more in the current fiscal year. In our management consulting services expenditures for the 1981-82 year, it was about two thirds. I suggest this is not an expense; it is an investment in good government.

**Mr. Haggerty:** I am delighted the minister provided some information. If he would only answer the six or seven questions I have in Orders and Notices, I would not have to stand here and ask him for information week after week.

**Mr. Speaker:** Question, please.

**Mr. Haggerty:** Perhaps the minister will take some time to go back and read the details of his government's version of a freedom of information bill. I would like to remind him that the draft legislation includes the right to obtain information relating to expenditures listed in the public accounts. I would also remind him that he said he would not provide details of consulting contracts because, as he said, "In my view, that would not be a prudent response on behalf of the taxpayers of this province."

Is the minister telling this House he believes his colleague the Minister of Revenue has not been prudent and realistic in releasing public information? Is he telling us he has no intention of following the spirit and guidelines of his government's freedom of information bill as to the expenditure of public funds?

**Hon. Mr. Ashe:** That is not what I am saying. In using the comparison of another ministry, it so happens the member chose one with which I am somewhat familiar. The nature and the scope of the management consulting services do not compare at all.

In the Ministry of Government Services there are many facets of consulting; for example, ministry administration, accommodation, repairs, operation and maintenance, executive directors, human resources, corporate services, employee advisory, computer services and telecommunications. These activity headings are much broader than in most of the relatively smaller ministries. I am not including large ministries, such as the Ministry of Health, the Ministry of Community and Social Services and the Ministry of Education, which are obviously more vast and, I am sure, have quite a variety of headings as well.

I am trying to get across what I feel most sincerely on behalf of the taxpayers. When we get a whole series of questions that have no meaningful purpose other than to put public servants to work at great expense and then in turn are criticized for the expenses that are being put forth, I do not think that is prudent management of taxpayers' funds. I am quite prepared at any time to provide reasonable, responsible and rational answers to similar questions.



## INSPECTION OF NURSING HOMES

**Mr. Cooke:** Mr. Speaker, I would like to ask a question of the Minister of Health concerning Trillium Villa Nursing Home in Sarnia. In September last year I phoned the ministry's inspection branch working out of London to complain about a faulty roof and a lot of leaking that was occurring in the nursing home due to a rainstorm. I received a letter back from the nursing home inspection branch on October 7 indicating all the repairs had been completed, an entire inspection had been carried out and there should be no further problems with that roof.

I had a call last Monday while a rainstorm was occurring in Sarnia and was informed that the roof was again leaking, that a ceiling had collapsed and that there were pails throughout the hallways of the nursing home to collect the water from the leaking roof. In view of this incident and in view of the fact that the roof leaked throughout the entire winter, I would like to ask the minister what is going on with his inspection branch. How does it check some of these major structural problems with nursing homes?

The minister may grin about an infraction such as this, but when there is water on the floor of nursing homes, old folks fall and break their hips. If the minister does not enforce nursing home regulations properly, these are the ramifications. Do we have an inspection branch? If we do, why is it not carrying out its work and forcing the owners of the nursing homes to do proper repairs rather than the cheapest possible repairs, putting residents at risk?

**Hon. Mr. Norton:** Mr. Speaker, I am not laughing at or trying to make light of the situation. I am just rather bemused by the nature of the questions the honourable member chooses to ask. Surely the answer to his question is any one of a number of answers. For example, if the roof was properly repaired last summer, perhaps it is another part of the roof that is leaking now. If it was repaired and passed inspection last fall, perhaps the workmanship was inadequate. I suppose there is a variety of explanations.

If the member wants to give me the information he has received in the last day or two about this problem, I would certainly be glad to follow up on it. If there is any failure on the part of the staff of my ministry, of course I will take disciplinary action. However, to use an example like that to substantiate the hypothesis the member is putting forward, that every leak in every roof is the fault of my staff, is a little preposterous.

**Mr. Cooke:** The point that has to be made is that the inspectors go into those nursing homes and do an inadequate job. Because they are not separate from the Ministry of Health, there is a conflict of interest and people are not being well served by the ministry's inspection branch in this province.

**Mr. Speaker:** Question, please.

**Mr. Cooke:** Is the minister prepared to look at the proposal we put forward this morning as part of our task force report, which says that the inspection branch must be separated from the Ministry of Health so there is no longer a conflict of interest? If he is not prepared to accept that recommendation, would he at least, when he gets up in the Legislature, quit defending the private sector and private nursing homes all the time and start making the nursing home inspection branch do its job instead of going to bed with the nursing home owners of this province?

**Hon. Mr. Norton:** The defence that is alleged to be made on my part of the private sector is not that at all. In response to the member's totally biased and tunnel vision views on the issue, I simply try to restore a little balance from time to time by pointing out that he may be placing the emphasis on the wrong area in trying to substantiate his concerns.

In response to the member's specific question about the proposal I have not had a chance to read all of his proposal yet, but from a preliminary review of what both the member and the Liberal Party said in their competitive positions that were released this morning, on almost all substantive policy issues it is clear they are trying to ride the coattails of the progress of this government in the initiatives it has taken or that are already under way in the area of care.

**Ms. Copps:** Mr. Speaker, when the minister tries, in the comments he has made in this answer and the previous one, to get some kind of independence into the review of the inspection system, can he assure this House he will include not only recommendations from residents' councils, but also complaints from individual patients, from families and from concerned organizations and friends such as the Concerned Friends of Ontario Citizens in Care Facilities, who have been deliberately cut out from the complaints process because of the stiff position taken by this ministry that it will act only on behalf of patients or their families? Will the minister make sure an independent review process can involve complaints from those specific sectors?



**Hon. Mr. Norton:** Mr. Speaker, the statement that was made with respect to Concerned Friends being cut out is completely unsubstantiated and unsubstantiable. I have met with Concerned Friends and have had communications from them about specific concerns they have had, and I have seen to it they were followed up immediately. To say they have been cut out may be a perception some of them have because of their particular perception, but it is not factual. If they have other concerns they want to raise with me, they are free to do so at any time. We have acted upon their concerns when they raised them. We have acted on specific cases.

**3:10 p.m.**

With regard to residents' councils, the terms of reference of the guidelines for residents' councils make it very clear they need not necessarily be composed entirely of residents. If it is the wish of the residents themselves, they may have representatives from within the community at large sitting on the residents' council. That would not preclude individuals such as members of Concerned Friends if that was the wish of the residents in that particular home. It is their council; it is not mine.

#### ASSESSMENT REVIEW BOARD RULING

**Mr. Epp:** Mr. Speaker, I have a question for the Minister of Revenue. The minister is no doubt aware that the Assessment Review Board ruled last week that the method used by the provincial assessors to determine the amount by which renovations have increased the value of a home is inadequate. This landmark decision says the assessors cannot use the market value of similar properties to determine the assessment increases for renovated homes.

How does the minister intend to alter the practices of his assessors to conform to the standards set by this new decision?

**Hon. Mr. Gregory:** Mr. Speaker, the member is quite correct when he states the ruling radically changes or makes a comment on the methods being used in the city of Toronto and elsewhere. I say "the city of Toronto" advisedly because that is where the problem seems to be.

Obviously, the recommendation laid down by Mr. Bowlby will need to be appealed. In the interest of the taxpayers of the city of Toronto and in the interest of preserving the tax base of Toronto and elsewhere in Ontario, this ruling will need to be appealed. That will be done.

**Mr. Epp:** If the courts uphold the Assessment Review Board ruling, how will the minister right the wrong his assessors have imposed on ap-

proximately 14,000 residents in Toronto whose homes have been assessed in this inadequate fashion? Based on the Bowlby decision, these citizens have been overpaying their share of property taxes for up to three years and maybe longer.

What measures will the minister take to ensure that every one of these 14,000 taxpayers in Toronto who has carried an unfair share of the burden for the past three or four years is reimbursed? As the minister knows, the same Bowlby decision may have implications for residents right across the province. Assuming the decision is upheld by the courts, what measures will the minister take to reimburse these people for overpayment of taxes?

**Hon. Mr. Gregory:** The member is making the assumption that this is pretty widespread across the province. Naturally, it does not apply where a market value assessment has been done. This covers two thirds of the municipalities in Ontario.

I find it rather confusing to hear this member asking me what I am going to do to reimburse people who have been overpaying, when I hear him commenting on the market value assessment basis and saying section 63 is wrong, when it is intended to do and is doing precisely what he is suggesting I should find a way to undo. I really do not understand him.

#### RAPID TRANSIT

**Mr. Samis:** Mr. Speaker, I have a question for the Minister of Transportation and Communications based on his statement to the House today. The statement addresses various questions dealing with Oshawa, the north-end corridor and Hamilton, but it does not address the question of expropriation.

In view of the concern of residents in the Beaches area and Mississauga and statements by two of his officials that 100 or more homes, plus land, could be expropriated, could the minister set the record straight? How much expropriation does he envisage? How many houses would be expropriated?

**Hon. Mr. Snow:** Mr. Speaker, it is impossible to answer that question precisely because, first of all, the studies are under way with regard to the lakeshore corridor between Oakville and Pickering. That is a long-term strategy, as I stated when I announced the whole plan back in October 1982.

It is our intention to use the heavy rail line between Oakville and Pickering for many years, but we are proceeding to look at that corridor and



to try to provide in the future for a GO advanced light rail transit corridor along the lakeshore from Oakville to Pickering.

Those studies are under way, as I say. We have not yet reached the stage at which there is anything definitive, but I think it is safe to say, if and when the additional corridor is completed, properties will certainly have to be purchased. We are not thinking about expropriation at this time. If expropriation does become a necessity, it will be many years down the road.

**Mr. Samis:** Since the basis of the possibility of expropriation would be the question of a new corridor, can the minister bring the House up to date on what negotiations have been held with Canadian National as to the use of the existing lines, especially in view of statements regarding the lakeshore west line, that if GO Transit were to create its own corridor and put all its trains on it, that line would be used for only 40 per cent of its present traffic? In other words, it would be rather unused when compared to the situation today.

Second, what is his ministry doing to try to consolidate passenger rail lines, especially west of Toronto and into Hamilton? Instead of creating new corridors, would the answer not be some form of consolidation of existing corridors?

**Hon. Mr. Snow:** I am not sure what the honourable member refers to with respect to consolidating existing corridors. To my knowledge, there is only one corridor along the lakeshore, and the proposal is for the GO-ALRT line from Oakville to Hamilton to follow the existing transportation corridor. It is only at the point where it enters Hamilton that a decision has to be made as to which route to follow.

We have been working with CN and CN has been most co-operative. On the other hand, CN is bound and determined in its own right to protect the corridor it already has for its use.

**Ms. Copps:** Mr. Speaker, I am glad the minister raised the issue of the Oakville-to-Hamilton corridor because his statement leaves me a little bit confused and perhaps he could use this opportunity to clear up the record.

He states he has been successful in defining the alignment and obtaining municipal support for the Oakville-Burlington sections. By his own admission those sections are already in place and there has been no discussion. Then he states: "The technical advisory committee has established a preferred alignment. We are awaiting the decisions of the Hamilton city council and the Hamilton-Wentworth regional council regarding its proposal."

Am I to understand that the Hamilton city council and the Hamilton-Wentworth regional council will be allowed to make the decision with respect to the route as per his statement here today? Or is this statement just another example of the doubletalk he has used to try to force his preferred route down our throats, as he has done over the last year?

**Hon. Mr. Snow:** Mr. Speaker, I never get involved with doubletalk. I leave that to others who are more professional at it.

The honourable member was suggesting at the beginning of her statement that it was not important where the route went through Oakville and Burlington. I happened to think it was. We went through a very detailed program with the municipal councils and with the regional council. We have resolutions from those councils approving what we are proposing from the Oakville station through to Highway 6—basically in that area.

We have now gone through a similar process in Hamilton. We do not as yet have their resolutions. The technical advisory committee, which is made up of 10 people—eight from the city and the region and two from my ministry—recommended the York Street corridor. We are now waiting to see whether the city and the region endorse that recommendation.

**Ms. Copps:** Who makes the decision?

**Mr. Speaker:** Order.

3:20 p.m.

## WATER RATES

**Mr. Nixon:** Mr. Speaker, I have a question of the Minister of the Environment concerning the large increases in water rates being imposed on a number of small communities by decision of his ministry. Since the original problem was the incorrect projections of population and industrial utilization, is the minister going to be able to announce some valuable program to assist these communities in meeting their costs without increasing water rates by as much as 100 per cent in some cases?

**Hon. Mr. Brandt:** Mr. Speaker, I should point out that the sizes of the systems were established originally in discussion with the respective municipalities. I agree, however, with the thrust of the question that in some instances there have been abnormal increases that have been brought about through a number of circumstances. In some instances, the growth in the municipalities did not occur as was anticipated.



Frankly, the number of users anticipated did not occur either.

The question asked is directly with respect to whether there will be any assistance. At the moment, we are dealing on a one-to-one basis with those communities that make approaches to my ministry; in other words, those that feel the increases established are too high. We do meet with those municipalities and review the rates.

We are now trying to establish a blanket policy that will be applicable to all municipalities; that has not been finalized yet, but it is under discussion with my colleague the Minister of Municipal Affairs and Housing (Mr. Bennett) and my own ministry. This is an important matter, and I am trying to give a serious answer to a serious question.

The other matter I want to mention is that the municipalities also have the opportunity to appeal if they do not agree with the rate increases that are proposed by my ministry.

**Mr. Nixon:** In every case I have heard of, it has been the demographic projections of the ministry that led the local municipality to agree to a larger system than it thought was required for the community in the first instance.

Would the minister not agree that because of the policy of his predecessors, he and his staff have a special responsibility to come up with a uniform program such that the rate increases are not going to exceed something like 10 per cent rather than a 100 per cent increase, which is about to be imposed on a number of communities as of July 1? I will just mention one, Plattsville, in the county of Oxford in my constituency, which has probably one of the most pressing problems.

**Hon. Mr. Brandt:** It is not quite that simple, and I know the honourable member is not trying to suggest that. In some instances, municipalities have caused their own problem by not increasing the rate on an annual basis. They have allowed a buildup of a deficit to occur to such an extent that the amount of money that would be required by way of a rate increase to clear up that deficit is very substantial. There is a very large number of different situations right across the province, and it is very difficult to come up with a uniform policy.

Last year, in an attempt to overcome the kind of problem pointed out by the member, my ministry did inject some \$30 million—that is a low figure—or more as part of the application of funding from the province to assist municipalities to meet their obligations and keep the rates down.

I give the member every assurance that I will look at Plattsville and other municipalities to make absolutely certain the rate is not an unfair one.

### ARBITRATORS' FEES

**Mr. Mackenzie:** Mr. Speaker, I have a question of the Minister of Labour, if I can get his attention for just a moment.

The Minister of Labour will be aware of a letter he received from the Canadian Textile and Chemical Union sent on May 23 in which they make the point they have just received a bill for \$1,607.40 for a straightforward arbitration case which took an hour and a half to present. I wonder whether the minister has any comments on that case and the costs involved in that arbitration?

**Hon. Mr. Ramsay:** Mr. Speaker, the honourable member is correct. I have received that letter and we are investigating the matter at this time.

**Mr. Mackenzie:** The minister will be aware that we have raised the question a number of times regarding the cost of arbitrators. Some recent checking I have done indicates that \$1,100, \$1,200 and \$1,300 are now common figures for very simple and straightforward hearings. For a long time we have asked for limits on arbitrators' fees. Is the government now prepared to take another look at what arbitrators are charging unions across Ontario?

**Hon. Mr. Ramsay:** Yes, we are. In fact, that is under study right now by our labour-management advisory committee, and there is active study within the ministry to determine what measures, if any, may be necessary to ensure that the process of arbitration remains accessible.

### SUPERANNUATION

**Mr. Bradley:** Mr. Speaker, for the Minister of Education and Colleges and Universities I have a question in regard to superannuation.

As the minister is aware, a number of senior teachers in our education system, people who were prepared to accept what I would call the option of early retirement, delayed the exercising of that option until such time as the legislation containing changes in the Teachers' Superannuation Act was passed by the Legislative Assembly.

Since the minister delayed this legislative initiative for so long—indeed, until the last week of the legislative sitting of 1983—many senior teachers chose to remain on staff. Can the minister now tell us when she plans to announce



the regulations which accompany the legislation in order that those who have delayed their retirement decisions may be aware of the specific provisions of the changes in the Teachers' Superannuation Act and may choose to retire before the commencement of their teaching duties in the fall of this year?

I point out to the minister that the normal time for announcing retirement or for submitting a resignation is the end of May. That date has passed, but I understand teachers still have the option of retiring in the summer. I am wondering when the regulations will be made public by the minister.

**Hon. Miss Stephenson:** Mr. Speaker, it seems to me the regulations specifically will not have a tremendous impact upon decisions by teachers who choose to move in the direction of retiring somewhat earlier than they might have otherwise.

It was announced very clearly in all the information that was made available about the teachers' superannuation fund administration amendments that the benefits would flow to all those who had made the decision to retire by the date of May 31, 1982. Those provisions are still in place. Any teacher who has made that decision, if he or she has decided to retire or has retired, will gain the benefit of the amendments to the act beginning in September 1984.

It is my understanding that the specific regulations of interest in terms of the administration of the act are to be available by the end of June. I believe most of the teachers who have made the decision to retire will have done so because they will be aware the benefits have been improved significantly as a result of the amendments to the act, which were not delayed but which were introduced as soon as they were ready to ensure the provisions would be available to the teachers who made that decision this year.

#### RESPONSE TO QUESTION

**Mr. Wildman:** Mr. Speaker, on a point of order: I want to raise my concern over the fact that I tabled a written question for the Minister of Natural Resources (Mr. Pope) on May 23, 1984. It is my understanding that according to standing order 81(d) the minister should have responded with at least an interim answer as of last week, and there is still no response.

I ask that you investigate this to determine whether this is one more example of the Minister of Natural Resources stonewalling and being unwilling to provide information about what is going on in his ministry to the members of this

Legislature, and direct him to comply with the rules of the House.

**Mr. Speaker:** As the honourable member well knows, it is beyond my jurisdiction to do as he requests. I notice, however, that the government House leader has paid very close attention to your remarks and no doubt will inform his colleague.

#### PETITION

##### SALE OF BEER AND WINE

**Mr. Boudria:** Mr. Speaker, I have a petition: "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the government and the Legislative Assembly to support the private member's bill of Don Boudria, MPP, to permit the sale of beer and Ontario wine in small, independent grocery stores.

"Pétition adressée au Lieutenant-gouverneur en Conseil et l'Assemblée législative de l'Ontario:

"Nous, soussignés, par la présente pétition demandons l'Assemblée législative et au gouvernement d'appuyer les projets de loi du député Don Boudria qui permettraient aux petites épiceries indépendantes de vendre de la bière et du vin ontarien."

Mr. Speaker, I am sure you will be interested in the fact that I have here another 4,400 names to add to the 6,600 I had already, bringing the grand total to 11,000 people who have signed petitions to this effect.

3:30 p.m.

#### REPORT

##### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr. Kolyn from the standing committee on administration of justice reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Correctional Services be granted to Her Majesty for the fiscal year ending March 31, 1985:

Ministry	administration	program,
\$11,895,700;	institutional	program,
\$177,303,100;	community	program,
\$38,411,200.		

#### ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

**Hon. Mr. Wells:** Mr. Speaker, before the orders of the day, I would like to table the answers to questions 307, 322, 325 and 400 to



406 inclusive [see Hansard for Wednesday, June 13].

## ORDERS OF THE DAY

House in committee of the whole.

### BARRIE-VESPRE ANNEXATION ACT (continued)

Resuming the adjourned consideration of Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

On section 1:

**Mr. Breauth:** Mr. Chairman, I had the opportunity to begin some opening remarks the other evening.

**Mr. Boudria:** Some of us may have missed some of them. Could the member repeat them?

**Mr. Breauth:** There has been a request for me to reread into the record some of the comments from the townships. I simply point out to the members that we did put them on record the other evening and they have the opportunity to peruse them at their leisure.

It is sufficient to say this afternoon that those comments, which are almost exclusively from rural townships in Ontario, are pertinent to the discussion as we begin clause-by-clause debate. They point out the very strong feeling many of our rural municipalities have about this bill and about this general approach towards annexation. Also at the heart of that is a very strong feeling that the government of Ontario, once their champion in the Legislature, seems somehow to have forgotten its roots and seems somehow determined now to run directly against the best interests of rural Ontario. They pointed that out in their letters, one after the other.

I think 103 municipalities in total responded to the request from their sister municipality of Vespra. They have given not quite identical responses, but responses that are identical in tone, if I can put it that way. They point out that the government of Ontario, in proceeding with this bill, has struck a chord they see as being particularly dangerous. It is one that runs contrary to the general intentions of most legislation to be fair, to be impartial and to operate in the best interests of everyone.

As we all know, whenever any legislation is written, it is taking away someone's personal rights. There is no question about that, but there has to be an element of fairness involved. That is the key ingredient missing from Bill 142. There is not much fairness in it. The bill is written from one perspective only; it does not have a real rationale.

In many of the rural municipalities, particularly among the councillors I have had a chance to talk to, their gravest concern is that the normal process, through a couple of channels, would have resolved this dispute some time ago. When there was a move by a municipality such as Barrie to annex a rural area, and that request for annexation has been put forward from time to time in the Legislature, the proof for establishing a need has been on the municipality that said, "We want to annex this little area." The ministry was somewhat of a third party in that dispute. The obligation to establish the need was clearly on one of the parties, and they did that; if there were financial matters in dispute, then the ministry entered the picture as the arbitrator.

The difficulty with the process we are discussing here is that it is the ministry that is taking the initiative and will at some time become the arbitrator of the financial and other disputes that are involved in this; and there are a great many of those disputes.

Quite rightly, all those municipalities have identified that there is something basically and inherently wrong with the legislation: there is something that does not stand a test of fairness; there is something clearly wrong from a democratic point of view. The wording of their motions was decidedly along the lines that a democratic fault was being perpetrated by this legislation, that such essential ingredients as fairness were missing completely from the legislation, and that it should not be continued and a halt should be made to this entire process.

It is interesting to note that in their comments to Vespra township—and they have circulated them to the ministry as well, and to me and the member for Waterloo North (Mr. Epp)—they did not say there was a little bit wrong here or there was a need on the part of the government to provide more compensation. They did not identify some powers that were wrong; they talked about the bill being wrong and being undemocratic and that it was not the way to proceed.

That is an important message that must be heard. I am not so sure it has been heard. I am not so sure the Minister of Municipal Affairs and Housing (Mr. Bennett) has responded, although he wrote a letter in response to an article that appeared in the magazine called *Municipal World*. He did respond in that way to an article that had been previously published. But I am not sure the minister has responded in a direct way to the concerns that have been stated time and time again by ordinary citizens from Vespra town-



ship, by the council there, by the county council and by those 103 other municipalities that have expressed a concern around this bill.

I believe there is an obligation on the part of the minister to do that. However, that is difficult, because although the minister introduced the legislation he did not participate in the public hearing process. The minister was not at one session of the hearings on this bill, either here at Queen's Park or up in Simcoe county, nor has he even been present in the chamber during the course of the debate on this bill.

It must be very difficult for the minister to respond in a meaningful way to a bill which, frankly, he probably does not know a lot about. He has not been here and he has not listened to the people from Vespra township. He has not had much of an opportunity to pick up the tone of their dissent on this bill. He has relied on his parliamentary assistant, the member for Wilson Heights (Mr. Rotenberg), who in his usual manner has been faithfully, doggedly present; but the minister himself has not been here.

It must be difficult for the minister, who appears to be hoist with his own petard here. He is responsible in a legal sense for the introduction of a piece of legislation although, without telling any tales out of school, we all know the minister does not come from that area. He is responsible for the legislation in the sense that he introduced it, but he is not responsible for the legislation in the sense that he did not sit down and personally draft this bill, nor is it reasonable to assume that the minister personally seized the initiative and presented the bill to the Legislature. It is reasonable to say another member of the cabinet, who is a local member, perhaps seized the initiative and saw that the bill was brought forward.

**3:40 p.m.**

It must be tough for the minister, who has not been a participant in the ongoing debate around this bill and who was not able to participate in the hearings on the bill, now to portray himself as a reasonable third-party arbitrator on any kind of dispute on this bill.

I am sure he has attempted to make himself aware of some of the difficulties that were expressed, perhaps through briefings from his parliamentary assistant or perhaps through reading some of the Hansard reports, but he has not been able to be a participant. At best, he has the benefit of staff, which of course we do not have, and the benefit of a parliamentary assistant, which we do not have.

In a personal way, perhaps the minister is not aware of precisely what is going on here, of precisely how strong the feeling is against this bill in municipality after municipality in rural Ontario. Before we proceed clause by clause, I think we should try to get that feeling on the record. I believe it is incredibly important that we proceed with this bill only on the clear understanding that something is dramatically amiss.

As I sat through the hearings, I picked up a tone and tenor that disturbed me immensely. It is not unreasonable to say there was some confusion in the public's mind about the public hearings, but it is not just that and it is not just that people in the real world do not understand how this Legislature works.

It is that a perception was reinforced for them that something is wrong here and there does not appear to be an ability to put it back on the tracks. There does not appear to be a fair hearing process at work. There appears to have been an almost clandestine decision reached to proceed with this legislation, a decision having been made some time ago behind closed doors and revealed to them about an hour before the minister introduced the legislation, and that this legislation would proceed come hell or high water and there was absolutely nothing anybody could do to influence the minister, the legislation, the public hearing process that was set up or to change the legislation which is before us today.

I think what has them confused is they sense an unease even among members of the government party. During the course of the public hearings, the members of the government party on the committee put out vibrations to people who appeared before them that they understood what it was like to live in rural Ontario; what it was like to be a small rural township facing annexation by a larger adjacent urban centre, and what it was like to have a legislated solution, as this one is, to a problem with some history. However, nothing was going to happen. I think that is what disturbed them more than anything else.

They were talking to a group of people who did not know about their concerns. They were talking to a group of legislators who had clearly in front of them the problems that are inherent in this bill. Nothing was going to be given in response. Many of them felt they would have been better off in court. A court at least has to hear the arguments and make a decision based on evidence presented.

In this instance, it appeared that no matter what evidence was presented, nothing was going to change. No matter how eloquent the pleas



from the residents of Vespra township were, nothing would change. They even heard members of the government party say to them: "I agree with that. You are right. This annexation is too big. We really should work out the financial details. We really should give you a hearing." Those things were all understood, but the government still was not going to do anything about it.

During the course of the committee hearings, the frustration level was quite immense. To refresh the memories of members who perhaps did not participate in those hearings, I want to put on the record some of the remarks, little quotes here and there, of people who appeared before the committee at Queen's Park or the Simcoe county building to present what they thought were arguments. They left somewhat disappointed that no one gave them the courtesy of listening to their arguments.

I think they felt some frustration that, even though members of the government party heard what they had to say, they were not about to pay much attention to it. That frustration went all the way through the hearings of the committee, both here and up in Simcoe county.

They objected to the idea that the parties most directly affected in a formal way only knew this legislation would be introduced by the minister within about an hour of his entering the House. They felt that was passing strange. The dispute had gone on for a long time. It had been before the courts. It had been argued at the Ontario Municipal Board. All of that is true.

If it was a dispute of some 10 years' standing, why was it that one hour's notice was all the parties got? There is an inference on the part of those in Vespra township who are directly affected that some people knew about this legislation before they did. They inferred that some actions occurred which caused the council of the city of Barrie to withdraw an objection to a development proposal in Vespra township and that the council must have had some basis for withdrawing that objection prior to being told about this bill.

The inference is that one council was informed about this legislation before the other council. We do not know whether that is true. We were never privy to those discussions. We have not been given a background paper outlining the actions of the ministry. We do not know if a member of the cabinet went to one of the councils and gave it advance notice of this legislation. Unless one were a member of Barrie council or a

key driver for a cabinet minister, one would not know those details.

We do know one of the participants was given an hour's warning that this legislation would proceed. As one who has been involved in municipal politics for a while, I admit it is pretty tough to determine why only an hour's notice was given that something was going to happen. Did the government not know this legislation was being drafted? Was it not aware it would be introducing this legislation?

It is obvious the government was aware. It is obvious no one sat down and drafted this bill on a matchbook. It has been in the works for a while. Civil servants drafted the legislation; someone wrote little speeches for various cabinet ministers; someone wrote a speech for the Minister of Municipal Affairs and Housing. It was known this bill was going to be introduced, or at least it is reasonable to assume it was known by the government, and a little more than one hour's notice could have been provided to the participants.

It has not gone unnoticed that the bill was introduced just prior to the Christmas recess. It has not gone unnoticed that there was a bit of hammering around how much debate the bill would be allowed before we prorogued the House. It has not gone unnoticed that there was some hesitancy on the part of the government to hold any public hearings at all. The opposition parties made that part of it happen. The government then quite willingly said, "If you are going to make a fuss about it, we will have public hearings."

When we went to committee, we said it was only logical on a bill like this to go into the area and hold public hearings to sample the waters locally. Government members resisted that in committee as well. Eventually, a portion of the public hearings, that is, one day, was held in that area, a fact that does not escape the notice of the people who are directly impacted by this legislation.

They understand there are two agendas at work here: one, a formal public face on how this piece of legislation was arrived at and presented to the Legislature; the other, the bottom line of the real story or the real dirt on what actually happened behind closed doors and how this bill was put together and presented.

I think they have a legitimate point in saying proper notice was not given; there was no warning of the government's intention to introduce this legislation in a specific form or a



general form, and no attempt was made, as far as I can determine, to referee the dispute here.

One could muster an argument, and one would in other legislation, for example, the Municipal Boundary Negotiations Act, centring on the idea that someone has to resolve disputes. In this case I do not think there is even a pretence of resolving the dispute. No attempt was made to send emissaries from Queen's Park to Barrie or to Vespra township to listen to both sides and say: "You are both wrong. A pox on both your houses. This thing has been going on long enough. Here is a compromise piece of legislation which will resolve a dispute of long standing."

That did not happen. I think it is clear and on the record now that there was no attempt on the part of the government of Ontario, through any of its secret agents operating in the area, to put together a deal to try to build a compromise, to put together a package both sides might have looked at and said was unfair to both sides and, therefore, fair; or it is fair to both sides and, therefore, acceptable.

Someone—we really do not know who—put this deal together and put it out on a take-it-or-leave-it basis. We can say what we want about it at any length, but that is the deal that has been struck. We do not even know who struck the deal and we are not too sure exactly what the deal is even now.

**3:50 p.m.**

During the course of the committee we listened to a fair amount of discussion about good agricultural land and whether we were preserving farm land or building shopping centres. I found it more than a little confusing that we are taking good agricultural land and putting it into a city. What is the purpose behind that? Is there some new farm program in the cities that I have not heard about yet? Does the Minister of Agriculture and Food (Mr. Timbrell) have a new deal under way whereby he is going to encourage farming in urban centres? I do not seriously believe that for a minute.

I know that Cadillac Fairview got what it wanted before the bill was introduced. That seems strange to some of us, but it is according to Hoyle in the way things are done at Queen's Park. These large development corporations and lawyers such as Eddie Goodman always seem to get their way. Even before the concerns of the people are dealt with, they get what they want, they trot off and then the rest of us are left to deal with all the ramifications.

One of the ramifications of this is that we are now going to have a lot more good agricultural land in this city. Members of the committee had a chance to tour the area to see the land there. It is now a farm, but it is a farm either owned by a developer or on which a developer has an option; there is no question about that.

I do not think there is any member here who does not have the same thing in his own constituency. I see it every day driving in from Oshawa. On land that was farmed last year, land that the guys were out cultivating on tractors last fall, now the tractors are a bit bigger and they will not be growing crops there any more, except perhaps the old cash crop of three-bedroom bungalows. You can see it all around Metropolitan Toronto, and that is exactly what you are going to see here, without question.

From Barrie's point of view, I suppose, there are those who might ask, "What was Vespra doing allowing shopping centres adjacent to an urban area?" But Vespra has not a bad argument; namely, that it provided the township with an assessment base and allowed it to continue in a rural mode in the remainder of the township. It is not a bad argument, I must say; at least, it was not a bad argument until the government decided to grab the entire assessment base and shove it into Barrie, and that is exactly what this bill does.

You can talk about agricultural policies and about the preservation of farm land, but you really have to look at a bill like this to see exactly what the province does with good agricultural land when it comes to legislation. It annexes it to an urban area, and none of us has any illusions that this land is going to remain in production. We know it will happen for a little while, that there may well be farmers who will continue farming in that area for a while; but it will not last very long.

We know what happens when you get a subdivision next door to a farm. The people who move into the subdivision do not like the way a farm smells, they do not like the sound of the tractors and all that, and the farmer will soon take a look at his land, which is not an easy thing to cultivate, and say, "I have developers rapping on my door every day offering me huge amounts of money to buy my farm."

This is a time when farming is a tough business; it is a time when it just is not what it traditionally was, a long, hard work day involving some good years and some bad years. It is now in a state where you have to go through a tough financial crisis every year. It is a time when interest rates really can put you completely off



the map with respect to whether you even have a survival instinct at work here, whether in economic terms your farm operation can grow or die on the vine.

Of course, all of us, even those of us who represent urban ridings and have farms around us, know what happens to those farmers. I have seen them in my constituency office saying: "I am losing my entire farm operation. The work of my family for generations is going because of interest rates, equipment problems and not being able to sell the goods I produce on my farm." We know what is happening.

As members look at this bill, I think it should be noted that it is symbolic in some sense. It is important for members of the Legislature to look at the bill and say: "Wait a minute. A lot of what the government is proposing to put into this city is now operated as a farm, and that is wrong."

A lot of us were struck by the fact, which I am sure a lot of travellers going north on the highways in the area have recognized, that the whole area around Little Lake is environmentally sensitive. It is strange; I find it an unusual move for a city such as Barrie to buy land in another municipality. I am not aware of very many municipalities in which that has happened, but that is what has happened there.

Of course, whatever boundary might be drawn by this bill—and it is not very clear—somehow Little Lake is going to get cut up in the process, and I am not sure how that is going to work out. I do not know how that environmentally sensitive area in and around Little Lake, and in other areas in the area that is proposed to be annexed, is going to survive either. Is it going to become a playground for Barrie? Is that necessary? Right now, when we went through it, there were some cottages around there; but it seems to me it is essentially a rural area. It is not very highly developed. It is being preserved in its environmentally sound state as it is. It does not seem to be a good idea to mess around with it. I do not know why Ontario is even vaguely interested in messing around with that, but it appears it is.

As we went through the committee hearings, and before drawing little squiggly lines on maps on the wall, sometimes Little Lake was in the annexed area and sometimes it was out. Sometimes it was split. It is interesting to note that even now there appear to be changes made continually as to how those lines are drawn. I am not sure we have a definitive word on exactly how much land is being annexed here and exactly where that boundary line is going to be.

**Mr. Chairman:** While the member is pausing, may the chair canvass him on how long he is expecting his current comments to run? Can you share that with us? I say that with all due respect, mindful of the comments we heard earlier in the committee when we recognized that for some time now the committee has been lenient about the fact that we are not dealing with clause-by-clause debate, as is our mandate. Rather, we are hearing an echo of second reading debate. I think we all acknowledged that.

We were lenient to permit each of the caucuses to make comments. There was some keeping of the time in our sense of fairness. I wonder if the member might share that with us, just for our guidance. I do not want to call this to order.

**Mr. Breagh:** I have a few notes here and I would anticipate being through them some time this afternoon. We would proceed to clause-by-clause debate today. I am not sure whether we will get through the entire clause-by-clause debate, but I have some other remarks I would like to make in the beginning of the presentation. Then we could proceed as we normally do with the House in committee and we will deal with each clause as we go through it.

I have a number of comments to make in the clause-by-clause debate. I do not have a great many amendments to propose. In fact, I have only one. When and if the bill is brought in for third reading, I want to propose that Bill 142, An Act respecting the City of Barrie and the Township of Vespra, be not now read a third time but that it be read a third time this date six months hence.

That will not come until we begin the process of third reading debate. Perhaps it might be helpful to circulate that. I do not know when this third reading debate will begin, but if I could have a page, maybe we could give copies to the opposition, the parliamentary assistant, the table officers and the member for Waterloo North.

**Mr. Chairman:** I do not think that motion requires a notice.

**Mr. Breagh:** I know you do not need that.

**Mr. Chairman:** I appreciate your courtesy.

**Mr. Breagh:** I like to give you advance notice when I do these things, just so you are not surprised.

**Mr. Chairman:** If the member advises he has additional comments on section 1, which we are dealing with, since the committee is operating under a loose consensus, we will have to consider that somewhere we have to address ourselves to

just exactly what we have in section 1, section 2, section 3 and so on.

**Mr. Breagh:** I am not disagreeing with that.

**Mr. Chairman:** We shall take it as it comes, but I would just give notice that my responsibility as Chairman is not merely to conduct the affairs of the committee but to follow our rules, lest we set precedent that distorts the precedent that has been our guidance for a long time and breach our standing orders.

**Mr. Foulds:** Can you speak a little bit more clearly so the rest of the members can hear?

**Mr. Breagh:** Yes. I am having a little difficulty hearing you, Mr. Chairman.

**Mr. Chairman:** I was simply saying to the member and sharing with other members that I have a responsibility, in the chair, to see that we abide by our standing orders. Of course, that is the responsibility of all members, not just those who are participating in this debate.

With regard to the time of the committee, we must follow our rules of order. We have been out of order for some time and it will fall to the chair to call the member to order as soon as this consensus we are operating under deteriorates.

**4 p.m.**

**Mr. Breagh:** I think we are all in agreement, Mr. Chairman. I do not see any problem here. We were all happy to allow the parliamentary assistant the option of making some opening remarks. I was interested in what he had to say. I was somewhat shocked at the abbreviated form of it, but I had no qualms about it. I was happy when the member for Waterloo North rose to give his opening remarks. Having established that the—

**Mr. Chairman:** With all due respect to the member, there was a varying degree. The parliamentary assistant took something in the order of 10 minutes and the Liberal critic took in the order of 30 minutes. I have lost track, but I think the member is currently exceeding two and a half hours.

**Mr. Breagh:** I am into this bill, so to speak.

**Mr. Chairman:** Oh, I sense that. The chair is concerned about setting a precedent that will work to the disadvantage of some members and of our rules down the road.

**Mr. Breagh:** I appreciate that.

**Mr. Chairman:** I just do not want us, and I think the member would agree, to get into a rehash of what went on in the committee hearings and during second reading because that is not our purpose, as we all know.

**Mr. Breagh:** I appreciate that. I am ready to continue now. I appreciate what the chair had to say.

**Mr. Chairman:** I am putting us all on notice.

**Mr. Breagh:** Perhaps on another occasion when members such as the parliamentary assistant want to make an opening statement, at that time the House may do so by unanimous consent. I rather assumed that, by allowing the parliamentary assistant to make an opening statement, it was with unanimous consent that everybody could make an opening statement.

If someone wanted to put it in the form of a motion that said, "You can talk for only 10 minutes," that would be fine with me and I would know what the rule was. When I agreed that the parliamentary assistant could speak, I did not say it was for five minutes. There is nothing in the standing orders that I can find that says a member can talk for 10 minutes or 20 minutes.

There is a proposal by the standing committee on procedural affairs to put a limit on members' speeches, but that and the famed rule of the member for Wilson Heights and a number of other things sit on the shelf waiting for the House leaders to call that report of the committee and put in place what the Chairman is talking about.

In the absence of that, I know of no restriction on how long a member may speak. I know the Chairman is quite right that a member must be in order, but it was my understanding at that time, and perhaps I am incorrect on this, that we had agreed by unanimous consent we would all get to make opening statements under clause 1(a). That is fine with me. I am happy to proceed on that basis. If we have some other basis, I would protest mildly that the parliamentary assistant made his statement unimpeded by the chair, so to speak, and the member for Waterloo North made his opening statement unimpeded by the chair. I intend to proceed similarly.

**Mr. Chairman:** Except that we are out of order. That is the only point I am making. We are out of order and we are not following the job the committee was set to do. We are not supposed to be doing second reading, but with all due respect we are back having a second reading debate.

**Mr. Breagh:** I have to put it this way. If we are out of order, we are out of order by unanimous consent and one cannot beat that game.

**Mr. Chairman:** I am in the hands of the committee.

**Mr. Breagh:** Good. I like to see that.



**Mr. Chairman:** I remind all members that we are playing light with our rules.

**Mr. Breaugh:** We are constantly rewriting history here. The Chairman knows that.

I wanted to point out that the feeling on the part of the people of Vespra township was that this was not a hearing by an independent body. It was a common feeling that was expressed on a number of occasions and in a number of ways. As we go through this, we should not delude ourselves into thinking that this has had a hearing process attached to it, because I would dare to speak for many of those people in saying they felt there was no independent body at work, that there was a committee of the Legislature which was in some ways patient with people and in some ways quite rude with people, which held what was touted to be public hearings on the bill.

They did not leave the committee room feeling an independent body had a public hearing at all. Quite the contrary, they felt that on a number of occasions they were not even being listened to, were not even being given a polite hearing and then ignored, but rather were subjected to some abuse.

The major problem I have with moving swiftly through this is that it seems to me a bill of this nature has money at its very heart. There is no question about that. The bill addresses itself to compensation factors. The comments of the one witness before the committee whom I recall speaking about the government as a nice group of folks to deal with in terms of annexation procedures, the reeve of the township of Innisfil, were about money. A financial settlement favourable to the township was arrived at. He did not go into all the reasons the government sweetened the pot that much, but that was the gist of his argument. A lot of money was put in the municipal coffers and that made the whole thing palatable.

Here is an indication of a piece of legislation in which the amount of money in question has never been resolved. The government has not made much more than a token effort to resolve that, and yet we are expected to proceed with the clause-by-clause debate of this bill in its absence. When one gets to the practical ramifications of it all, it is unlikely this bill will be given royal assent prior to the end of June; yet it has a start date of July 1. Somebody is saying there will be a couple of days perhaps near the end of the month when all the outstanding financial arguments can be resolved. I do not really think that is going to happen.

A more likely thing will be that the bill will be passed into law and proclaimed. This will happen and, after the fact, somebody will attempt to deal with the financial obligations of the various municipalities involved in it. To be polite, that is unfair. To be accurate, that is dead wrong. Along those lines is not the way to proceed. There is a need to clarify the financial aspects of this annexation prior to the legislation being put in place.

If we were able to look at a set of numbers this afternoon that were favourable to all parties, it would in great measure resolve the difficulties Vespra has with it or the great difficulties I think Barrie has with it. Barrie's financial obligations have not really been spelled out as yet. It is buying an obligation to provide amounts of money as yet unspecified. From the point of view of everybody—Vespra, Barrie and the county council—each ought to know what it is getting into in dollar terms before we proceed, and that is not happening.

Why that is not happening is a good question, because in most other arrangements between and among municipalities I have been involved with, one of the first orders of business is money. Let us get the money on the table. Let us discuss who has the financial obligation here. Let us discuss who is responsible for which of the services that are going to be provided. Let us talk about the level of services that will have to be provided. Let us talk about who picks up the liabilities, who gets the assets, who has to do what for the forthcoming year. Most of those municipalities will want to know what impact that is going to have on their municipal budgets this year, next year and in ongoing years. They want to know that stuff and with good reason.

None of that has happened. It would appear the passage of the legislation means the minister who initiated the bill will at some time in the future be the sole arbitrator of the financial obligations. That is my reading of what is going to happen. How fair is it? Can one even pretend it is fair to have the minister who introduced the legislation causing all this to happen, the villain in the piece from my point of view, not appear at some time before a court, tribunal, legislative committee or any such thing, but arbitrarily on his own, on the advice of his staff, make those financial decisions?

It seems to me it would be dead wrong for us to establish that as a precedent. If this were the minister arbitrating a dispute here, we might say a further level of arbitration can take place over financing at some time, but most of us would say



there has to be an appeal process. We must understand how the minister arrives at a decision and we must be able to see there is some kind of input at work, a measure of fairness, and the parties can state their case. All those things would be given. We would be saying all those things.

**4:10 p.m.**

We would certainly not be saying, after the thing is law, at the minister's pleasure and behind closed doors he may arbitrarily set the financial obligations for the municipal players in this action. I do not believe that to be even close to being fair. I do not believe that to be a reasonable way to proceed; yet that is what we are asked to accept.

Many people were a little taken aback by some of the things that happened during committee. Many of them had been involved in this dispute for some time and were familiar with court proceedings where people swear oaths and provide evidence that is considered to be hard evidence, such as one would present in litigation, but none of that happened. There was no ability on either part to cross-examine what was presented as evidence. Members of the committee noted on a number of occasions that simple cost projections were not done, simple assessment projections were not done, and simple assessments of what it would cost to plough the roads were not done.

Simple assessments of what it would take for police costs came from newspaper reports out of the Barrie area where the police chief was noting it would cost more money to police the mall area than is now in the budget. They would need another \$100,000 or \$200,000 to do that. That is as close as the committee ever got to seeing hard evidence. Aside from that, none was really provided.

Recent press reports say: "There is not going to be any cost because we are not going to provide any police service. We will let the Ontario Provincial Police go in there." It is a strange piece of business.

This is a little awkward for me to get into, but I really think it must be addressed. During the course of this debate or the hearings themselves, many people were upset. They thought there would be a committee of the Legislature that would sit and listen to evidence as presented. They were somewhat taken aback, when members of the Legislature went off to committee for hearings, that it was not quite the formal cap-and-gown process that was under way. Some of them got the impression that members were

not interested in listening to what they had to say. Some of the people who appeared before the committee were somewhat taken aback when members read newspapers and told jokes to one another. They were there physically, but they were not there mentally or they were engaged in some other activity.

I think one of the things that shocked some of the members of the committee was an incident that happened on a day when one of the members of the committee got up and, as he walked out of the room—there was a witness appearing before the committee who was kind of in mid-testimony—as he went by, almost as an aside, he said to the witness that he had "heard enough of this bullshit." The witness was really shocked by that. I do not know whether—

**Mr. Chairman:** It is not parliamentary language either, even in the recounting.

**Mr. Breaugh:** That is why—

**Mr. Chairman:** I think you should withdraw the remark.

**Mr. Breaugh:** I cannot withdraw it because I did not say it.

Let me just continue in this way and I think it will resolve the problem. The witness was really taken aback by that. Of course, it was not quite on the record, but it was loud enough that it was audible and members heard it. Members raised it, and the next day the chairman of the committee, in all fairness, asked that the remarks be withdrawn and a semi-apology was put in place.

I think what is pertinent about all of that is that people were shocked that that was the attitude of members of the Legislature. Had there been an open argument back and forth, in many respects it would have been much better. People would have said: "Oh, my, we have to watch our language. We cannot use these words. We have to be careful what we say here, but there is an argumentative process at work."

I think what took them aback is that the member who said this said it as an aside, walking out the door. I happened to be one of the members of the committee who heard the words being used. I think he did not intend to put that on the record. He meant to do a little smooth manoeuvre there and say something to the witness on the way out the door that would not get in Hansard. The witness then was kind of caught. It is almost like being insulted in public where one is the only person who can hear the words being used.

The witness was taken aback. I think the committee was somewhat taken aback by that as



well. It did cause a problem. I think many of the people who appeared before the committee on that day at least were shocked. That is not how a court operates. That is not how a county council operates. That is not how any municipal council I ever heard of operates. When one went into a public hearing forum so to speak, there were often arguments, but the attempt was always made to keep the arguing down, so one at least sat and listened to what people had to say, but one sure did not call them names in the process.

In every municipal forum of which I have ever heard, a real attempt was made by a council to sit there and at least shut up if it did not like what was being said to it on a given afternoon or evening. That is a relatively simple act, and if one could muster it, a little bit civilized in the process. These people certainly did not expect that someone appearing as a witness before a legislative committee would have this thrown in his face as an aside as a member of the Ontario Legislature walked out the door.

What is pertinent about it is that people were really shocked. Perhaps honourable members get pretty relaxed, so to speak, because we spend a lot of time in committee. It often is not the most exciting work in the world, but it has to be done. Everybody's caucus needs to have a few representatives there. On a number of occasions, I did not always look excited at or enraptured by whatever the proceedings of the committee were at any given moment.

I think the representatives were taken aback because they think it is a big deal, and it should be, to have a committee of the Ontario Legislature holding public hearings. Members of the Legislature do not have to sit there like Supreme Court justices, not by a long shot, but they are supposed to listen to the proceedings and make an informed judgement afterwards. Many people were confused.

Because a number of people from the area spent more time in that committee than did some committee members, they kept coming to me and asking: "How can you sit in judgement on a bill? How can you participate in public hearings when you are there one day out of five, when you are there for half an hour, leave for two hours and then come back in the afternoon for another half an hour? How can you hear evidence?"

You try to explain to the people. You tell them we have Hansard, so we can read it. Realistically, however, does anybody believe that if we were not there that day, we would take Hansard home that night and read it? I confess I do not read Hansard every night. I understand

there are people who actually do that, although I do not know why. The point the people were making was how could we hear what they had to say when we were not even there. Even when we are physically present in the room, we may seem to be mentally absent and just not with it. I think they have a legitimate point there; they have a legitimate beef.

I would like to put on the record a couple of comments from people who did appear before the committee. Some of the groups that appeared before the committee were representing larger groups of people. As I said the other night, Vespra is a rather unusual place in that people seem to be organized. In some senses it is not unlike my own community, which is one of the most highly organized communities in the world. On a slightly smaller scale, Vespra was a participant in a very active way in all these proceedings. I think those people deserve to have part of their presentations put on the record here.

Mr. Paul Warner, who is the chairman of the Residents Against Vespra Exploitation—RAVE, a citizens' group in Vespra township—said: "I would like to remind you people that we are people. You were in with us at one time in the grass roots. The people of this country fought and are still fighting against dictatorial governments and those controlled by central committees. We are fighting this all over the world. I am asking you not to let it happen here. It is up to all of you and in the long run up to us."

I think those are important words for members of the Legislature to understand because the Vespra people are not just saying the government is making a mistake on this bill or the bill needs some improvement. Once again it talks about the process, much the same as many of the rural municipalities did.

This is from Mr. Bruce Bonnell, a member of RAVE, who did appear before the committee both here and with those in attendance at the hearings in Simcoe county. He said: "It remains obvious that the dishonesty of all proceedings or lack of any proper proceedings will continue on to its predetermined conclusion. Vespra has farm land. Vespra has tourist attractions. Vespra has business sense. Vespra is not in debt. The one thing that will upset the applecart is the vile ripoff of its commercial strip. The government of Ontario and the city of Barrie are intent on the destruction of a viable entity, the rural municipality of Vespra. That is wrong. Stop it."

**4:20 p.m.**

Those are pretty tough words from an ordinary citizen. They seem to reflect an attitude of the



people who live around him, people in rural Ontario who probably are true-blue Tories in many respects of the phrase, who understand exactly what they want, who know exactly the kind of lifestyle they want to have and who are not looking at major budget deficits when they prepare the budget for their rural municipalities and have found ways and means to get around that. It seems to me Mr. Bonnell very succinctly says all that.

Mr. Ronald Sass said: "In addition to that...if you annex this property you virtually destroy a viable urban population. Who are you satisfying? Are you satisfying the citizens of Vespra? I do not think so. Are you satisfying the citizens of Barrie? All they are going to be faced with is additional taxes. There could be some income. Or are you satisfying developers or those people who own numbered companies registered outside of our country which are in the areas that have been added to the annexed area?"

They seem to know what is going on in their area. I know many members of the Legislature have raised on several occasions the idea that rural property is no longer owned by folks around the corner. It is owned by numbered companies, by investors from offshore and by large corporations. They have an awareness of all that, although sometimes in the Legislature of Ontario we seem to deny that is really happening.

Here is a little quote from Mr. Lom: "We are all strongly opposed to the proposed annexation on much the same grounds as have been related to you by the speakers this morning....We feel there is no justification for annexation of Vespra land by the city of Barrie and that Barrie has enough land on its hands now to handle. The proper procedure which ought to be followed has been disregarded and the democratic action which ought to take place has been supplemented by a legislated measure.

"We do not wish to be absorbed by Barrie. We do not see any advantages which will flow to us from that annexation. We live in a rural area. We participate in the life of Barrie, to which we contribute our money by way of commerce and indirect contributions. Simply stated, we oppose this annexation on every count."

This is from Mrs. J. Money: "We feel what Barrie grabbed from Innisfil township is much more than what is required for Barrie's development in the next 20 or 30 years, unless Barrie grows a heck of a lot faster than it has grown in the last 30 years."

This is from Mr. R. Watson: "I seem to find quite a few difficulties in accepting anything I

have read or heard on this annexation. As I say, I am a businessman in Barrie. I watch Barrie every day. I watch Vespra when I get home. I see that Barrie cannot handle the maintenance of its own area."

That is interesting because we had a few citizens of Barrie and Vespra who lived in one municipality and owned property in another, such as this gentleman, who essentially said: "I have dual citizenship, and from both points of view this annexation makes no sense. From both points of view, this is not the right way to proceed. There is no advantage on either side. It should be left as it is, that is, accepting that it is really important."

Mr. G. White, representing the Seventh Concession Vespra Ratepayers Association, said: "I do not think there is any need. I think Barrie is looking for every dollar it can get, but I think the prime drive behind Barrie is one of prestige and the fact that the Barrie council is a Conservative one. All the area MPs are Conservatives and it fits in with their general plans. I do not think really when you dig down into it, it is anything more than that. I think they feel offended."

That was said in committee and time and time again by people who said to me afterwards they too used to be Conservative. Their family had been Conservative for a long time and they were using the old argument that they are Conservatives because their grandparents were Conservatives. They felt betrayed by a government which at one time they thought was theirs but which was now doing something they considered to be very wrong.

Here is a little bit from Mrs. E. Adams, representing the Vespra Valley Group: "Why should this annexation dispute have been created? Barrie has already annexed enough land to last it for 30 years or more. If the same thing happened in other countries, there would be a revolution. Yet here in Ontario, where we elected the government to look after our needs, it has turned its back on us and we have had to fight for our rights. The costs have been great financially and mentally."

She goes on in a slightly different vein: "In conclusion, if this annexation is passed, many people in the county of Simcoe, and particularly in the township of Vespra, a former Conservative stronghold, will not forget the part that this Progressive Conservative Party has played in this proposed takeover."

Here is a little bit from Mr. J. Partridge, representing the Minesing Concerned Citizens



Group: "We are in total support of the present council resisting Barrie in its desire to grab the commercial assessment that belongs to Vespra ratepayers."

Again I think the language is important. They see it as a land grab, as a grab of assessment; they see it as a grab of some sort that is not very noble in nature and does not rely on a great planning study to say that it ought to be part of the greater urban Barrie area. They do not see it as some great planning exercise; they do not see it as a great servicing exercise. They see it purely and simply as a land grab motivated by money. I must say, having sat through the committee hearings, that I do not see much more rationale for the bill either.

I did not receive any of the things I am familiar with as planning tools to broaden one municipality's boundary. I did not receive any great service study; I did not see any great population projections done for it. When it got right down to the nitty-gritty, I was told there is an area of commercial assessment that is the guts of the financial wherewithal of Vespra township, and it is going to be ripped out of that township and tacked on to the city of Barrie. This might not be as complete a description as one might like, but Mr. Partridge really got a handle on exactly what is going on here.

This is another little bit from a Mr. Paul Channen: "Please be very careful in your decisions. It is very easy to forget the little guy who can be very easily hurt. Think carefully. Does it make sense to weaken one area of the province in order to strengthen another, as Mr. Taylor suggests?" He goes on to say: "My response to that is, there is a solution which is just to simply say: 'No annexation. We are just leaving things for the time being the way they are until Barrie has fully developed what it already has.' I totally agree with you that it has been a long procedure and it has dragged on for a long time and it is not fair to land owners, as you were suggesting, but I do not see that the solution has to be, 'Okay, we give them the land.'"

Here is a group to which I will bet many rural members would pay close attention. I noticed that today the Minister of Agriculture and Food introduced a similar group as part of our bicentennial celebrations. This is from Mrs. Coutts, who represented six women's institutes in Vespra township. Those who were born in rural Ontario will know that the women's institutes in rural Ontario are a powerful force in many respects, politically and otherwise; they have a very close-knit organization; they form

the backbone of many social, cultural and educational programs in rural Ontario. If one is a member who represents a riding in rural Ontario, one will know the women's institutes are not to be messed with.

Mrs. Coutts said: "Our organization's 86-year reputation of working with government to modify laws for the benefit of home and country forces us to bring to your attention that this proposed settlement was not handled in a democratic manner...."

"As country women, we cherish the rural way of life. We are concerned that the viability of our township may disappear if this commercial-to-other tax base ratio is disrupted. The retention of agricultural land is critical to our country's future. We realize that the rural people are a small minority, but our civil rights are just as important as those of the urban majority. Therefore, we trust that your committee will deal wisely and fairly with our township, giving full consideration to the problems we will face in the future if Bill 142 passes as at present proposed.

"Perhaps I should add at the end, maybe Bill 142 should be withdrawn since our case says they do not need any of it."

I would appreciate a response on the part of the parliamentary assistant, wherever he is, to this women's institute group. I would have been pleased if the Minister of Agriculture and Food had stood up today to introduce the women from the women's institutes around Ontario as part of the bicentennial celebration and if he had mentioned a portion of his response to the women's institutes in Vespra township.

I would have been interested if the government of Ontario had taken some time to write to them and say: "You are wrong; you do not know what you are talking about here. You are members of the women's institute, but you do not know what you are talking about with respect to this bill."

**4:30 p.m.**

I did not hear that. I did not hear much of a rebuttal in the committee. It seems to me that at that time the Tories in the committee did the wise thing: they shut up, sat down and slunk around a little bit. They were not about to take on the women's institutes in a head-on battle. The answer as to who would win that battle is pretty straightforward: the women's institutes would clean their clocks. They know that and maybe that is why they settled into silence rather nicely for a while.

It seems to me the women's institutes laid it out for them. They did not have the temerity to respond. That is a bit of a shame. Had the



government of the day really been supportive of this bill, one would have thought it would have been anxious to do battle with the women's institutes to establish clearly that the women's institutes were on faulty ground, that they did not have a strong basic argument to make.

I did not see the government doing that. They made a case in front of a committee of the Legislature, and the government let it lie there. It did not challenge them and say they were wrong. It did not say, "Oh, we are being very dramatic here." It just left it alone.

Let me quote Jack Greaves, representing the Craighurst Ratepayers' Association: "We are all citizens of Ontario and we supposedly have equal rights, whether we live in Vespra township or the city of Barrie. Many of us feel our rights are being ignored."

Later he said: "We wonder, too, seeing that we mentioned that 94 per cent of our citizens in Vespra township voted against annexation, what happens to our Charter of Rights. We also wonder what happens to our judicial system under the arbitrary system whereby Mr. Bennett can change the present system that we have. We wonder why there has been no information other than what we occasionally read in the newspapers. We wonder what is happening to democratic government."

Those two might be considered, perhaps not as think-tanks, but as two groups of people representing rural Ontario, the women's institutes of Vespra on the one hand and the Craighurst Ratepayers' Association on the other. They have identified something this government has let slip. Where are people's civil rights? Where is there a right for them to challenge what the government of Ontario is doing? Do they not have the rights that minorities have in other situations? Do they have a legal right to challenge this legislation? Will they have an opportunity, in a practical sense, to challenge this before a court?

That remains to be seen, but I think both groups have pointedly used language that is not unfamiliar to members of the Legislature. As far as dealing with other minority groups and other kinds of civil rights is concerned, we would be rushing to their defence. We would be saying that even though there are fewer of them than there are over here, they have not only a right to be heard but other rights as well.

One could make not a bad argument that this is annexation without compensation, because so far that is exactly what it is. It is a land grab of rather substantial proportions with no money on the table. If I, as a New Democrat, were proposing

this kind of stuff I can imagine what would be hurled back at me from the government side of the House. There would be yells and screams about nationalization without compensation and all the old tommyrot that we hear time and time again when we talk about things that are important to us. Here in this Legislature, that is exactly what this government is proposing to do.

In the Legislature this afternoon the government gives every indication that it intends to continue, come hell or high water, with this bill that the backbone of the Tory party in Ontario says is undemocratic, unfair, unnecessary and just plain wrong from a number of points of view. Yet it intends to proceed no matter what they say and no matter what minority rights may be involved.

I am not going to go so far as to say it would be crass enough to say there are 3,000 votes in Vespra township and 40,000 or 50,000 votes in and around Barrie. If that is the way to resolve this, I hope there will be some small semblance of honour which would say, "At least we had better mount some kind of phoney frontal attack that makes a bit of our case," but I have not heard it and I have been listening for some time.

For the better part of six months, I have been waiting for the government to make its case to prove all these individual citizens and all these citizens' groups wrong. I have not even seen an effort to try to do that.

I have seen the minister write a letter to Municipal World in response to a magazine article written by Julian Tofts, the administrator for Vespra township, but I have not seen him in committee and I have not heard him yet so far—I listened very carefully to a certain extent to the parliamentary assistant; I have not heard him bother to address himself to these people's concerns.

I do not buy that it is the right thing to do. I do not buy admonishments such as: "We have to do something, and this is what we are doing. Therefore, we are going to proceed." He has an obligation to give them a better argument than that and to address himself to the concerns of the women's institutes and the ratepayers' associations. I have not seen him do that. It would be plain common courtesy to do that, but he has not done it yet. Maybe during the course of the clause-by-clause debate we will hear some of that.

How about this from Reeve Grant Andrade from the township of Innisfil? "I would like to say to this committee that all the views expressed here this day by all the people are extremely



important. Vespra is to be congratulated that so many people in a short time made the great effort to be here. In Innisfil, we had some support but not on the same scale or comparable to that here today."

That is unusual. That is one reeve praising the citizens of another township. It does not happen all the time, but they do recognize it is exactly what happened. Even though reeves from other townships said the views expressed by all the people that day were extremely important, the minister does not seem to think so. He does not think they are important enough to provide them with a response.

I do not want to read all these comments into the record but to move along quickly picking out a couple of them. Here is one from Mr. Brian McGregor, the spokesman for the Little Lake ratepayers' association. He said:

"I am here today to register our opposition to Bill 142. There are two aspects of the annexation issue that we find unacceptable, one being the way in which the Solicitor General and the Minister of Municipal Affairs and Housing, Mr. George Taylor and Mr. Claude Bennett, have introduced this piece of legislation...and I would ask that you give this presentation and all others you hear today a little more consideration than the Solicitor General gave the Vespra residents."

That speaks to the confusion I spoke of earlier. It is fairly logical that the people would be confused by it all. They are not sure who is proposing this legislation. Neither am I. I am not quite clear. I saw one minister of the crown stand up and introduce it and another minister on other occasions take credit for it, but we are not sure whether it is the Solicitor General (Mr. G. W. Taylor) making a move to nationalize part of the turf of Vespra township or whether it is the Minister of Municipal Affairs and Housing addressing himself to a municipal problem. It is either the top cop of Ontario seizing some land or the Minister of Municipal Affairs and Housing resolving some kind of municipal dispute. It is not clear to me, nor to this gentleman Mr. McGregor, what is going on. That too needs to be clarified.

Members might be interested in the comments of Mrs. Bonnie Smith, who said: "The lines on a map may be easy for the city of Barrie to change—maybe we'll take only the commercial strip; no, maybe everything up to the pipeline! But, a boundary change for me would be a catastrophe; it may destroy my farm. Why should I be forced to leave my home, lose my means of livelihood and the lifestyle I love? My home farm

gave my first son a start in agriculture, but the annexation would deny this opportunity to my other three sons.

"I hope I have outlined my concerns as a farmer in Vespra township in regards to the annexation of Vespra lands by the city of Barrie. I do not wish to be part of Barrie as it will mean an end to my livelihood. I want to continue to farm my family farm. I hope the committee will allow myself and my family to continue to farm."

I remember that testimony. It was kind of moving. That is someone who laid it on the line and spoke to the reality of the issue. This is not a map the government is playing with. We should try to understand that. It is not a set of little dots on a piece of paper. This is people's lives—

**Mr. Rotenberg:** What happened to her farm? It was all left in Vespra. Why do you not mention that to get the record straight? The boundary was changed.

**The Deputy Chairman:** Order.

**Mr. Wildman:** Are you okay?

**Mr. Breaugh:** Want us to send for the medics now?

**The Deputy Chairman:** If he wants, he can participate when you sit down. Maybe some other people can talk. You have the floor.

**Mr. Breaugh:** Will they bellow like you?

**The Deputy Chairman:** You never know.

**Mr. Breaugh:** No. There was an interjection by the member for Wilson Heights who pointed out the boundary lines were changed—

**Mr. Rotenberg:** It is not my version, it is the true version.

**Mr. Breaugh:** If it is the true version, it certainly is not his version.

**4:40 p.m.**

**Mr. Rotenberg:** Mr. Chairman, there is an implication that I think should be withdrawn.

**The Deputy Chairman:** No, I do not think there was an implication. Member for Oshawa, get to the subject. Are you in your wrapup statement?

**Mr. Breaugh:** I am moving in a little one piece at a time.

**The Deputy Chairman:** In conclusion?

**Mr. Breaugh:** Do you want to harass me a bit more?

**The Deputy Chairman:** In conclusion?

**Mr. Breaugh:** What Mrs. Smith had to say here—and maybe the member for Wilson Heights would not understand it—was that for her and her family and her farm operation this kind of



annexation move, whether she is inside or outside the boundary line, means something pretty substantial. It touches how people live, their traditions and their right to raise a family in rural Ontario and to see that part of the hard work of developing a farm in rural Ontario is a tradition that can be handed down to sons and daughters.

She is simply saying—and I am not too sure the member got the message—“Buzz off, kid. Do not bother me. I am here in rural Ontario. I am doing what my parents have done. It is an honourable thing to do. It is not an easy life, but it is an honourable life. It is a tradition I want to hand down from one part of the family to another. Maybe you are interested in grabbing assessment from shopping malls. Farm families are not interested in grabbing assessment from shopping malls. For the most part, the people I grew up with would be happy if governments just buzzed off, left them alone and did not louse up their lives for a while. Just let them do what their fathers and mothers had done before them.”

That is essentially what Mrs. Smith had to say to the parliamentary assistant. She did not make a big plea to move the boundary line around. She did not talk about assessment, services charges, frontage or anything like that. She just said: “Get lost. Take your bill and leave me alone.” It seems to me that in its own way is a very straightforward, simple and eloquent response to the government. It is one the government did not answer very well.

Here is another response from another woman, Mrs. S. Devries: “If we are to continue to believe in the system, it has to be built on faith. And, Mr. Davis, you did give us your word about regional government.” The Premier (Mr. Davis) was not there. She was speaking rather rhetorically that afternoon, as I am this afternoon. She said: “The only answer to annexation by the provincial government, the Davis government, to be credible, is to reverse the decision. More is at stake than money, taxes and grants—our democracy and what the Conservative Party stood for in the past. Mr. Davis, it rests with you.”

The Premier was not there to respond to her. I know he did respond to council in the area. The fact that his response did not exactly materialize is another matter entirely. However, here is a woman who thinks with the audacity that people in a democracy often have. She thinks she can talk to the head honcho. When the Premier of Ontario says there will be no more regional government in this area, she thinks that is exactly what should be the case. She is a little upset that the government has now called it annexation.

This government plays a wonderful game. It feels if it calls it by another name, it can do it anyway. If it calls a tax by a different name, if it calls it an Ontario health insurance plan premium, no one will smell it out as being a tax.

In this case, Mrs. Devries is saying: “I thought you said there would not be any more regional government. I thought you made that commitment.” She does not care that the government calls this annexation. She knows what it is. The government cannot fool her. She is a little smarter than the average bear. She can smell it out. She knows whether it is honey or some other substance the government is sticking on the wooden plate this afternoon.

She does not need a lecture from the member for Wilson Heights or anybody else. She is an independent woman who thought she understood the system in which she worked and now seems to be a little confused. So am I. She believed in a system that was built on faith that if one gave one's word about something, one would not change it later. She believed that if the government gave its word about regional government or anything else, it would not call it an annexation bill years later and bring it in the side door. She has really got it.

I was born and raised with Tories such as this woman, so I think I understand her a little bit better than some members might. “More is at stake than money, taxes and grants. Our democracy”—here is the part that hurts me a bit—“and what the Conservative Party stood for in the past.” Maybe she is born again. Maybe the light is beginning to dawn. Maybe when she uttered the words, “what the Conservative Party stood for in the past,” the light was coming on. Maybe she understands it is not really all the things she believes in.

Let me point out to members another interesting comment. During the hearings, women seemed to have the most interesting comments which really hit the government where it hurts. This is an important point from Mrs. R. Hiemstra:

“In closing I would also like to point out that if the province is willing to offset the annexation with a grant to Vespra, this grant is for only a short time, but annexation is forever. Eventually all the residents of Vespra will be paying for the loss of this commercial strip.”

This woman is really saying they cannot even bribe her into submission. She understands a short-term bribe might work and it might sweeten the path, but she also understands that in the long run one is grabbing the assessment base of a



whole municipality and that ain't going to work. No matter what kind of upfront bribe one puts on the table, she knows that in the long run she is going to be paying for it.

These people seem to have an understanding of what the world is all about. It really is quite delightful. They understand if the government bribes today, it is going to steal it back from them tomorrow. She knows something a lot of people in Ontario do not know and ought to.

Here is a good quote from Tim Henshaw. He said: "I am opposed to the annexation of lands in the township of Vespra, as proposed by Bill 142. We, the people of Vespra, cannot even count on any support from our elected member, George Taylor, to uphold the wishes of the majority of township residents.

"I do not have to remind people that historically, taxation without representation has produced uprisings. Perhaps our only recourse is like the people of the tiny Caribbean island of Grenada, to appeal to a foreign power for assistance against a corrupted team.

"In conclusion, I will state the only acceptable boundary between Barrie and Vespra township is the boundary that currently exists. Barrie has no historical, ethical or moral right to any land or moneys derived thereof, of the portion of Vespra township which is in question.

"I urge each and every member of this committee to act in a clear, concise manner. Consider the facts presented here tonight by the people to whom Vespra is a home. I am sure your constituents would want you to side with the 94 per cent of the population of Vespra who oppose annexation. Behave according to the trust placed in you by your constituents. Democracy depends on you."

That is pretty tough stuff. They are talking revolution right here in Vespra township. I am not sure what they had in mind when Mr. Henshaw suggested, "Perhaps our only recourse is like the people in the tiny Caribbean island of Grenada, to appeal to a foreign power." Quebec, maybe? Did he have that in mind? He is looking for help from someplace, and he is drawing a comparison which may be a bit extreme, but I think he is expressing his own personal frustration that even his local member seems to have abandoned him and does not care to listen to what he has to say.

**Mr. Boudria:** Where is the local member?

**Mr. Breaugh:** We should be grateful the local member has absented himself for a while.

Here is another little comment, by Mrs. J. Treasure: "In view of what to me appears a lack

of expertise on the part of Barrie to realize that most of its own gold mines, I think the lands being considered for annexation by Barrie, would be more wisely used and developed in the hands of Vespra than in the hands of Barrie. In fact, I am not too sure that the wisest course would not be to grant Vespra the annexation of Barrie."

**4:50 p.m.**

We seem to have a little juxtaposition there and I am not sure I would go quite that far—Vespra township taking over Barrie—but in the course of our deliberations we listened to a lot of discussion about the level of services, who was financially secure and who had a balanced budget.

We heard a couple of complaints about the level of services in Barrie, but we did not in Vespra township. They seemed to have established a measure of government provision of services there which was spot on with the population's expectations. They did not have the problem many municipalities have of overproviding a service, of giving them more than they ever really wanted to have, of leaning on a staff report that gave gold-plated streets and things such as that.

Here is a little piece from Mr. A. McNabb: "I suggest you cannot make a just decision on Bill 142, on the annexation issue, unless you know considerably more about this ecologically fragile watershed; that approximately 80 per cent of the area in question drains into another watershed which is"—the rest has been deleted here. "I suggest the elected council of Vespra township is much more apt to provide good planning and development for this area than any elected council of Barrie ever would. As residents of Vespra township, we hope you can make the right decision, one that is fair to all, because before any of us realizes it, it will be history and part of the past."

**Mr. Boudria:** Could it be said we have slowed down the historical process?

**Mr. Breaugh:** One never knows about things such as historical processes.

I know the members enjoyed hearing those comments from those people in the middle phase of my discourse. The people of Vespra township and Barrie who participated in the hearing process had a message for the Ontario Legislature and they delivered it very well. They told us this was not a good idea. They told us, according to their ancestors' and their own values, this was the wrong way to proceed. It was not accomplishing much good for anybody. It was a threat to



their rural lifestyles, to their ecology and to the financial security of their municipality. There was a major problem in accepting the concept of Bill 142.

As they went through all that, they also pointed out there was not just a theoretical problem around the concept of annexation, but there was an inherent threat in there to the way they perceived democracy should work. There was an inherent problem in their political values as well. None of us really thought for a moment there would be a revolution in Vespra township, but it is the thing of which revolutions are made. When people get to the point where they say, "The people I elected do not represent me any more and, in fact, are working against my interests as a constituent," one has a major problem there.

When people say the process is wrong, that this is supposedly a hearing on a bill but nobody is listening during the course of the hearing, that members who are supposedly sitting in judgement, in arbitration in a dispute such as this, are not interested in what one side of the argument has to say, then one has a major problem.

I noted a couple of other things which are important to get on the record. Many of the rural municipalities I spoke of the other evening were very much interested in the article in *Municipal World* entitled "Annexation—A New Provincial Solution?" We have pointed out on one or two occasions now, and I will point it out again, that the Minister of Municipal Affairs and Housing is not here. He has been in that state for quite some time now in considering this bill. He has just not been around.

**Mr. Wildman:** Not only is he not here, he is not all there.

**Mr. Breagh:** There is that too.

Oddly enough, although the Minister of Municipal Affairs and Housing has not seen fit to participate in the debate on the bill, although he did not see fit to attend the public hearings, and although he does not see fit to be present with us in the Legislature as we move very quickly through clause-by-clause debate, he did, however, apparently read that article in *Municipal World*. Although he did not use any of the opportunities that are available for members of the Legislature to engage in argument about a bill such as this, he did take the time, or someone on his staff took the time, to write a letter to the editor of *Municipal World*.

I do not know whether it is the minister's practice to write letters to the editor. It has always been my personal opinion that if I have

something to say to somebody, I do not write a letter to the editor. I usually pick up a pen and write directly or I pick up a telephone and call directly or, if possible, I go and see whoever it is. I am not really an advocate of writing a letter to an editor to be published in a paper. If I want to say something, I generally take a more direct approach.

I noted with interest that the minister wrote to *Municipal World* in response to the article. Maybe that is an indication that, although the minister does not seem to be listening on Bill 142, he seems to be aware that he has kicked over a hornets' nest here and that there are political implications beyond Vespra township in regard to this bill.

The other evening we listened to all the arguments about democracy and that kind of stuff, and there are people who do think they are important, even if this government does not. Someone on his staff, I presume, took the time to write to *Municipal World*, and I think that is worthy of our consideration here this afternoon. Let me quote from it, because I would not want to be caught out misquoting a minister. This is a verified and true copy of his letter to the editor. He starts out smoothly, as he always does.

**Mr. Boudria:** Not when he writes to me.

**Mr. Breagh:** I think the member for Prescott-Russell (Mr. Boudria) will like this. The minister says, "I would like to comment on a number of issues and inaccuracies presented in the article on the Barrie-Vespra annexation dispute."

If one were interested in resolving a dispute, I do not think one would start out by saying the other guy is inaccurate. I think one might try to present one's version of what was the honest-to-God accurate truth or one might point out that one has a different opinion. I do not think one really begins to resolve disputes by telling the other people they are factually incorrect in whatever parliamentary way one would do it.

The minister says in the next little paragraph that he wants to focus on "the 'uniqueness' of Bill 142, the need for annexation, the perceived inequities of the process, and the alleged 'undemocratic' action taken by the government." He certainly seems to have got his ears open at the right point here, but I notice he is given to using adjectives such as "perceived" when talking about inequities. As someone who has followed this dispute for some time now, I would say the inequities are not only perceived; they are real. He can say there is an allegation here of "undemocratic" action, but he certainly has an



obligation to try to spell out what he thinks democratic action is.

These poor people from Vespra township thought when a public hearing is held, people listen to them. They thought when they elected somebody to public office, that person had an accountability or responsibility to his or her constituents. I am not so sure they would go along with the idea that this is just an allegation of undemocratic action. They might go a little bit harder on that.

I will pick up the quotation here: "The article refers several times to the legislation as being 'unique,' with the implication that changing municipal boundaries by legislation is a departure from past procedures. For many years legislation was the only way. I would also be surprised if the majority of your readers are not aware that some 30 years ago, in 1953, the municipality of Metropolitan Toronto was created by Bill 101. This was a direct result of a number of annexation issues submitted to the Ontario Municipal Board. There are other recent examples, Thunder Bay and Timmins among them."

The minister may not have yet discovered that Vespra township is not quite Metro Toronto. It is seen in a different context with a different set of problems. The process whereby a boundary dispute will be resolved is different in that area than it would be in Metro.

**Mr. Foulds:** Using Thunder Bay as an example was not too cool either. They set back the cause of unity there about 10 years with a forced amalgamation.

5 p.m.

**Mr. Breagh:** I was afraid if I mentioned all these annexations, members would recall and tell the Legislature that what a minister in a letter to Municipal World points out as being a great way to proceed, once one gets a local interpretation on that, turns out to be not so great. In some areas there are people who still think regional government stinks, even though it was touted.

I was there listening to Darcy McKeough, John White and others tell us about the wonderfulness of regional government. I was there when Darcy McKeough gave a nice lecture to the Oshawa council, the Whitby council, the Ajax council and the Bowmanville council. At that time, he told us it was going to save us a lot of money through stuff he called "economies of scale." We sure as hell got the scale, but I do not think we have the economies yet. Maybe Darcy meant these things would kick into place in the next century, but they have not yet arrived.

**Mr. Foulds:** The Tory aldermen in Neebing in Thunder Bay are threatening to secede from Thunder Bay.

**Mr. Breagh:** Secession. This is becoming a shocking debate. We are talking about revolutions, secession, all these things.

**Mr. Foulds:** Those are the Tory aldermen in Neebing.

**Mr. Breagh:** Our society could be changing.

**Mr. Wildman:** Nothing succeeds like secession.

**Mr. Breagh:** Let me get to this.

**The Deputy Chairman:** Is the honourable member speaking on Bill 142?

**Mr. Breagh:** Yes.

**Mr. Foulds:** You bet your sweet life.

**Mr. Breagh:** I am surprised you had not noticed that.

Let me get to the heart of what the minister had to say in his little letter. He wrote, "In this particular case, with a task force report, several Ontario Municipal Board hearings (one lasting nine months), several court cases, over \$1 million in public funds and 10 years of deliberations, the province was more than justified in deciding that this is a case where legislation is required."

I find that interesting because this is, quite frankly, the heart and soul of the decision of the government of Ontario to make a move here, the government of Ontario which in many other areas would say: "Never mind the cost. We have a judicial system and a semijudicial system here that are set up to find truth, justice and all that kind of stuff. It is not fair to intervene and say, 'We cannot afford to find justice this week.'"

The Attorney General (Mr. McMurtry) has not intervened in the Grange commission across the way, saying, "There has been \$4 million or \$6 million spent on this inquiry and that is all the money we are going to spend on it at this time." We do not see the Attorney General intervening in the criminal proceedings and saying, "Listen, we spent \$200,000 on this investigation and that is all it is worth, so we are going to stop the investigation here."

**Mr. Stokes:** Or the Royal Commission on the Northern Environment. That is \$10 million and counting—seven years and counting.

**Mr. Breagh:** We do not want to count such things as the Royal Commission on the Northern Environment. In most instances, it is somehow seen as being not quite appropriate for a government to say: "We cannot afford any more justice. There is a price tag on finding truth and



life in the Canadian way of doing things.” Governments have had a tendency to say, “We have such bodies as the Ontario Municipal Board and, yes, it is expensive to participate in hearings before the board.” In my experience, however, the government has always taken the other tack on this.

The government has always said the municipal board is a fine, upstanding board and is there to serve a purpose. It may well cost money to make representations before the municipal board. Countless municipalities have spent countless thousands, maybe even millions of dollars, in appearing before the board and making their arguments. I had always understood, however, it was one’s right in a free society to take something either to court or to something such as the municipal board.

In the first instance, we were not really concerned that this was going to cost some money. If this were the case, we could shut down the courts. If the government of Ontario were about to embark on some new judicial procedure which said one had a legal right to go to court as long as it did not cost more than \$100, I would hate to be caught in criminal proceedings, because there would be virtually no lawyer in Ontario who could defend me in the criminal court for \$100. Those guys will not even open the mail for \$50. If a lawyer has to make a phone call, it costs \$200 or \$300.

That is the problem when the central thrust of a government’s proposal is that it is too expensive, that one cannot go on any more. One has to wonder if there is really any justice in any of this.

The other part of the government’s argument is that this has gone on over a lengthy period of time. I notice the Minister of Municipal Affairs and Housing said there had been 10 years of deliberations. I recall during committee we asked if there had really been 10 years of deliberations over this matter. In other words, had there been a court, an OMB hearing or any kind of hearing going on for a decade on this matter? That ain’t quite accurate, quite frankly.

It would be accurate to say that on and off over a 10-year period this dispute has simmered. It would be accurate to say there have been some one-day hearings. There was, I believe, one lengthy hearing before the municipal board lasting some nine months. But it is not true to say that for 10 straight years the government of Ontario, the Ontario Municipal Board or anybody else has been working on this dispute and seeking a solution.

It is accurate to say, if one can pick up the little distinction here, the dispute has gone on, off and on, over a 10-year period, but it is not accurate to say we have had 10 years of hard, bone-crunching work every day.

As an analogy I can think of a number of labour disputes, for example, over particular articles in a union contract, where people have been negotiating for 10 or 20 years to try to get something in, but they have not been negotiating every day. As in most negotiated settlements of any kind, one may go into a room and negotiate for three or four hours, go away to other committee rooms for a few weeks and then come back and negotiate for another two-hour or three-hour period.

I dare say if the government of Ontario really wants a negotiated settlement to this particular dispute, it has the resources to make it happen. It could have put all its talents, all its lawyers and all its powers to work in a concentrated way over a period of time. That would mean we would not be sitting here this afternoon going through clause-by-clause debate on this particular bill without knowing the financial ramifications; we would have known them a long time ago.

If the government of Ontario really wanted some kind of negotiated settlement, it probably could have said 10 years ago, “Settle this thing in court.” I am sure a court could have come down with a decision. It might not have been appreciated much more than this one, but it would have been possible to come to a conclusion.

The truth is that on and off over that time—and that means for brief periods—a decision will be made by the OMB, or an attempt will be made to arrive at a decision there. Then everybody will go away and nobody will really do anything for a lengthy period. Then it will pop up again, and some other attempt will be made to resolve the dispute. When that is done, everybody goes away for a while.

I hardly think one can honestly and in a straightforward way muster much of an argument that this government has done anything on the basis that it spent more than \$1 million of public funds. I recall a social occasion on the front lawn of the Ontario Legislature just last year that ran up a tab in one night of pretty close to \$1 million.

**Mr. Stokes:** The bankers?

**Mr. Breaugh:** Yes, there were some banking people here from all over the world.

I know the government appreciates that a million is a million. I am not sure whether it understands that this is a lot of money or not, but I know in one evening’s reception on the front



lawn of the Ontario Legislature it spent pretty close to that.

The government sealed every single door, built a fence around the Legislature and the legislative grounds and put a big tent at the front in case it was cold. I am told it was, so they then heated the tent. They had the ability in one evening to blow pretty close to \$1 million.

**Mr. Wildman:** It blew a lot of hot air, too.

**Mr. Breaugh:** It blew a lot of hot air, but then that is normal.

The government of Ontario in this bicentennial year will be spending what it admits is \$10 million, but I think all of us understand, in all sincerity, that it will spend two or three times that amount of money. So \$1 million to this government is like \$10 to me; it is not a huge expenditure.

If the government had wanted to marshal its resources, it would have put together a resolution to this dispute that perhaps would not have made everybody happy but at least would not have resulted in talk of revolution in Vespra township, as we have heard this afternoon.

Let me say, too, that the next little paragraph of what the minister had to say may jeopardize his position as a neutral arbitrator in this dispute. He says, "The township of Vespra has taken and continues to take a position that an annexation is not and never has been justified."

**5:10 p.m.**

That is okay if the minister is accepting the role of the proposer of the annexation. It is okay as a private member of the Legislature or as a private citizen expressing an opinion on the actions of one particular council.

Where that causes a bit of a problem is he is the guy who is going to resolve the financial arbitration problem. He starts off by saying the position taken by one of the participants, the township of Vespra, has never been justified. I have a little difficulty when here is a guy whose start position is that their position has never been justified, when the end result is he is going to make the financial arbitration awards at the end of the process. If he starts off by saying their position is totally unjustified and not worth thinking about, he is not liable to give them a fair shakedown at the end of the process. That is what he really has to say.

I do not want to bore the members with the entire contents of the minister's letter. It is a boring letter.

**Mr. Nixon:** Come on, bore us. It will be a first.

**Mr. Breaugh:** All right. The member has convinced me.

"The township has chosen to assume that the only reason for a change in municipal boundaries is the need for more land for expansion."

One nice thing about a letter from the Minister of Municipal Affairs and Housing is one can always throw it in the garbage. This cannot always be done with the minister because he does not always fit.

"It has ignored completely that many annexations are based on enclosing within one municipal jurisdiction the urban development in the community. This is not only government policy reflecting sound municipal organization, development and planning procedures, but it is backed up with ample historical precedent in this jurisdiction and many others."

I am not sure that what the minister said in that paragraph is accurate. I am not sure the first sentence does not say the only reason for changing municipal boundaries is the need for more land for expansion. I did not see any evidence that would indicate to me this annexation is "based on enclosing within one municipal jurisdiction the urban development in the community." I did not see that when we had a chance to tour around the area in government vans.

I am not sure he is right when he says in the next paragraph, "Barrie's 'need' for more land is therefore not an issue in the Barrie-Vespra situation as it was in the successful Barrie-Innisfil negotiations." If Barrie's need for more land is not an issue, why are we proceeding with this annexation bill that gives Barrie more land? There is something amiss here.

The minister has slipped one by us. It seems to me that he is providing more land for the city of Barrie. I cannot believe he is putting the land in the hands of the city of Barrie for purposes of retaining it as farm land.

It seems to me that Fast Eddie Goodman and his people at Cadillac Fairview who want the expansion of the mall must have something to do with more expansion of an urban municipality. It seems to me that we were presented with ample evidence during the committee hearings that land was already held by developers and would be developed. As a matter of fact, we saw some development proposals for certain areas within the annexed area near the end of the committee hearings. It seems to me that is what urban expansion is all about.

In this paragraph he says, "The reason for Bill 142 is that the commercial strip is a part of the community fabric of the city of Barrie. It is not



five miles or three miles or even one mile outside the city boundary. It is immediately adjacent to the city boundary."

I have been through the area on a number of occasions. I would be a little hard-pressed to say the commercial strip is part of the community fabric of the city of Barrie. I do not know that to be true, just as I do not know it to be true in anybody's municipality that a commercial section of town is necessarily a part of the community fabric.

One might make an argument that Kensington Market is part of the community fabric of the area. One might make an argument that Yorkville is part of the community fabric there. However, I am not convinced that a commercial strip in another township is part of the community fabric of the city of Barrie. I find that a bit of a stretch. I am not sure that distance is really the criterion here.

I understand from people I talked to in the area that, if anything, the commercial strip in question is part of the community fabric of Simcoe county. It is kind of a regional mall idea and people from all over the county shop there, not necessarily just people from Barrie. In fact, I talked to a couple of residents in the area who said if one is operating a store in this particular commercial area, it is really for the county of Simcoe, not the city of Barrie. There are other malls in Barrie that would be a better place to be if the idea was to get commercial business from Barrie itself.

The minister goes on to say, "The article implies Vespra is an injured party." I read the article and I do not think it implies that at all. I think it says it flat out, straight up, tells it just exactly as it is. There is no question, in the eyes of the people of Vespra township, that it is the injured party. This is not the arbitration of a dispute; this is an annexation move which does not even pretend to be fair to both sides. I do not think that is an unfair thing to say. It is dead on. As the article in *Municipal World* magazine said, "Vespra considers itself to be an injured party, and there are many of us who agree it is an injured party."

On the face of it, the minister would have to agree, if someone took two thirds or three quarters of his municipality's commercial assessment, it would be injured as a municipality. In this instance, where I think it is upward of 90 per cent of their commercial assessment that is taken away from them, that has to smart somehow. It has to be constituted as an injury.

This next bit is interesting: "It states that Vespra did not have the necessary planning authority to prevent the shopping centre development taking place. This is simply not so. The Planning Act, with its provision for official plans and zoning bylaws was not used by Vespra and there is no record of any action being taken by Vespra to prevent this development. Indeed, the province was forced to impose a zoning order in 1973 to bring a halt to this kind of strip development.

"The article also suggests that when the OMB decisions were challenged in the courts, the courts found that there was a denial of natural justice and an apprehension of bias. Again, this is not quite accurate." While the minister is making quite a career of deciding what is accurate and what is not accurate, I am not completely convinced that the original article was not right on the money and that the minister's response to the article is not somewhat off base itself.

He goes on to say: "In fact, in the quashing of the 1977 decision, bias was never even raised as an issue. Furthermore, Vespra was not represented at those proceedings, the issue being related to government policy on population, which at that time did not appear to be a matter of concern to Vespra.

"The article appears to suggest that democracy is only served by the government of Ontario complying with the wishes of the citizens in one municipality, as set out in a referendum. I cannot see how this could be done.

"I believe democracy is best served not by referenda, but by decisions taken after due consideration of all factors by duly elected representatives of the people. My experience is that responsible government necessitates at times making decisions that are unpopular. Without in any way departing from that position, let me say that a question on the ballot paper asking, 'Do you oppose annexation of lands within the township of Vespra by the city of Barrie?' is simplistic in the extreme."

**5:20 p.m.**

Let me just respond quietly as a member of the Ontario Legislature of status not quite equal to that of a cabinet minister, but at least here we are supposedly all equal members. I would beg to differ from the minister's description about democracy. I am not a great fan of referenda. I am not always convinced that it is the best way to go, but I do believe on issues such as this it is a useful thing to poll the population. The population in Vespra township is informed and can give us a decision based on much discussion, many



facts and much good common sense. That is precisely what they have done in their referendum.

I want to take issue with a couple of things that are worth noting, because they mark a difference between the way the minister and I view democracy. For example, he said, "I believe democracy is best served not by referenda but by decisions taken after due consideration of all the factors by duly elected representatives of the people."

I do not disagree with that totally.

**Mr. Boudria:** It happens every time when they elect a municipal council.

**Mr. Breugh:** Yes. I am not the least bit convinced that the minister is not the author of his own misfortune. He is denying in some way that the members of the council of Vespra township do not have the status of duly elected representatives. I believe they do.

I will take it a step or two further. In this Legislature, the reason this bill is proceeding is not that all the duly elected representatives think it is such a hot idea. That is not true. The reason it is proceeding is that one party had the majority on a committee. I would be hard pressed to say that all duly elected government members who sat through the committee hearings really believe this bill is hot stuff either. I am aware that some of them are sniffing around the edges at the foul aroma given off by this bill.

I am aware that they used different members on that committee on a regular basis. It was not the same group of Tories that listened every day in committee to all the evidence. Come voting time, the same thing happened that happens in this Legislature: the party whip goes on and the party members will vote for this bill whether they like it or not. It would be a misstatement to say this was anything even close to due consideration of all the factors by duly elected representatives of the people. That did not happen. If that had happened, I might be a little more amenable to the minister's version of democracy.

I want it clearly on the record that, by my standards, there was no due consideration of this bill on the part of government members. Government members were sent to committee to see the thing stayed on track. That is exactly what they did. Every once in a while they would give a nod towards listening to what people had to say and some little traits that hinted they were in favour of the people or some wonderful thing like that. Every once in a while they would say, "We ought to go up there and listen to what the people have to say." I would be hard pressed to state that they really did listen to what people had to say.

This bill would have gone through in the same form with the same majority vote come hell or high water because they were sent there to do a job, to see they raised their hands at the right time in the committee. That is what they did.

We tried in certain ways to rearrange certain portions of the bill so it would be a little better and reflect some of that in its current state. But I do not for a minute want to leave the impression that in committee the government members listened to the facts they were presented with and that they sought to give what the minister says is due consideration.

I did not see that. I was there every day all day. I saw them doing what they were told to do at the right time. That is what I saw. In the course of committee deliberations, only in the last two days, and out of that in only one full committee day, was there an attempt to search out a compromise, to do a reasonable thing.

The bill as it was presented to me in the Legislature in the latter part of September was the one we stuck with all the way through. What happened in committee was that the government members withstood the onslaught for a period of time. For one or two days near the end of the process, they tried to give something approaching consideration. Whether it was due consideration or otherwise must be left to each individual's judgement.

May I continue with what the minister had to say: "The article implies that people were denied the opportunity to make their views known. Concerning the new boundary line, let me say I made it very clear when I introduced Bill 142 that the contiguous commercial area would form a part of the city of Barrie. The reason for this has been consistently ignored by the township and is again ignored in the article."

I am faced with a piece of legislation that includes a boundary line; but I heard the parliamentary assistant say on a few occasions, "That is not really the boundary line." Then on the final day of committee, after some variations were tried on for size, I heard them say, "This is the boundary line." At a subsequent meeting, after the committee had dealt with it, I heard representatives of the ministry saying, "We have changed the boundary line again." Now, today, I see a different boundary line. I am not sure if anybody, trying to follow as best he can what the ministry was proposing as a boundary line, could make head or tail out of it at any one time.

The one place where the ministry did hang in there and where it was consistent was in intending that the commercial area should be



grabbed by Barrie. For example, if someone sitting in a committee were not dealing with the assessment from the commercial angle but rather trying to find an area for annexation that might make some sense, he would have been precluded from drawing the boundary line a different way.

We have to recognize that the basic thrust of this bill has nothing to do with boundaries. Maybe that is why the ministry is playing so fast and loose with the boundary line. This bill has nothing to do with boundaries or with planning, service areas, conservation areas or any of that. This bill has to do with the grab of commercial assessment from the township of Vespra by Barrie. That is what it is all about. As long as that happens, the ministry has what it wants.

Let me pursue those remarks a bit further: "Having repeatedly made the point that the commercial shopping district would be part of Barrie, I also made it very clear that the proposed boundary line would be modified as a result of the committee's deliberations. This was done."

I was there. I watched it happen. I would be hard pressed to give an argument that it was the committee's deliberations that established the boundary line. I did not hear any ardent defences about that. I heard some not too eloquent arguments about whether the boundary line should go through the middle of the lake or around the lake. I am not convinced that the half-hour or hour's session we had on that last afternoon really constituted deliberations. I do not know what one would call it, but that would not be my version of it.

"A number of the delegations made suggestions relating to the boundary line and these were taken into account by the committee." Again, I was there and that ain't the way I saw it happen. What I saw happen was that a couple of civil servants got up and drew lines on a map. It had nothing to do with delegations making suggestions. It had something to do with them deciding where it would arbitrarily be okay to slip it in there. It had a little bit to do with some of the deliberations on the part of various committee members about how big this annexation should be, but it was produced out of a hip pocket, so to speak, at the last moment.

I invite the parliamentary assistant or anyone to give us the rationale for the boundary line as currently drawn in this bill. There is none; it is arbitrary in the extreme; it is just not there; there is no rationale for it. "It makes as much sense as anything else, so we might just as well" is virtually the argument as to how it was done. It was changed on at least one other occasion that I

am aware of, after the committee had supposedly dealt with it.

Let me conclude this portion of my opening remarks about this letter.

**Mr. Boudria:** Already?

**5:30 p.m.**

**Mr. Breaugh:** Just a portion.

"It is of deep regret to me that the township of Vespra did not feel it could make any contribution or suggestion with regard to the boundary line. Ample opportunity was available for input during the committee's deliberations."

I am not sure that is the case either. If this annexation takes place, as it perhaps will, I think it is sometimes an unreasonable request to put to a township like Vespra that it participate in the cutting of its own throat; I am not sure that is a reasonable way to proceed. I am not sure members could honestly expect them to sit in there and say, "Well, we want to cut this concession off."

I think the township did the honourable thing; it did the only thing it could do. It said: "This is our position as a council; these are our residents who want to talk to you. Do not expect us to say that we like some of our residents but we do not want others; do not expect us to say that some of our citizens are worth fighting for and others are not."

I think this is an unreal expectation that the minister is attempting to lay on to the council of Vespra township, and I think it is really unnecessary. In the first instance it is not the way I saw it.

**Mr. Stokes:** Write your own eulogy.

**Mr. Breaugh:** Yes, write your own eulogy.

The government says there was ample opportunity for input during the committee's deliberations. Well, I listened, but "input" means you are part of the process; you can make real change. It was made very clear to me as an opposition member, to the council from the township of Vespra and to several others that this government had intended to proceed with this legislation no matter what. I still hear it saying the same thing this afternoon: it intends to proceed with this legislation as is, no matter what.

That is not my version of negotiating; that is not my version of how you arrive at a consensus. It is one side telling another side exactly what you are going to do, when you are going to do it, how much it will cost, what size it will be and what shape it will take. That is not participation in the



decision-making process, not by a long shot; so I reject that particular statement.

Let me just read this last little bit from the minister:

"Last, but by no means least, the article says that the township continues to explore 'means by which this totally undemocratic legislation can be challenged.' This legislation can hardly be undemocratic, since our parliamentary system provides a democratic process by which our elected representatives enact legislation in the public interest. I am convinced the people of Vespra, Barrie and Ontario generally are not well served by a continuing wrangle at the Ontario Municipal Board and in various courts of the land."

I would be interested to hear from people at the Ontario Municipal Board how they view a minister who describes their proceedings as "a continuing wrangle." I would be interested to hear what the learned judges in the courts think when they find that a minister of the crown in Ontario does not deal with the august proceedings of the courts but says they are a wrangle, they are a hassle. The inference is pretty clear that this is something that should not happen in Ontario.

When you get right down to it, members might have been somewhat taken aback by the language used by the people from Vespra township, but they are right. We are not talking about jacking around and inconveniencing somebody here; we are talking about how a democracy functions. We are, in essence, dealing with the nature of this beast we call democracy in the western world. In those circumstances, one does not refer to the Ontario Municipal Board proceedings as a wrangle; one does not refer to people's legitimate rights to enter into litigation before the court as a wrangle.

Part of the awkwardness of a democracy, part of the awkwardness of freedom, is that there are sometimes people out there who do not accept our point of view. That is part of the inconvenience you have to put up with: they do not always do what you want them to do, and you cannot find ways and means of forcing them to do it either unless you give them some recourse. That is what this argument is all about.

The minister says that "our parliamentary system provides a democratic process by which our elected representatives enact legislation in the public interest." I want to register my objection to that, because it is a misrepresentation, in an academic sense, of the parliamentary process.

The parliamentary process is about a little group of folks—the government—who sit over there. The government proposes the ideas. It puts forward the legislation. All the other little folks in behind stand up at the appropriate moment. That is what a parliamentary system is all about.

The government members should not try to confuse us with such garbage as, "This is all about legislatures that strike committees and the members of the Legislature go off to committees and they all have equal input into bills or legislation." That is not true and the members opposite know it.

That is the basis of the government's stand on this bill. It did not come to the member for Waterloo North and me and say: "We have this little problem up around Barrie and Vespra and would like to seek a solution to it. We would like to hear what you fellows have to say on it and would like to set up some public hearings in the area." We did not hear any of that.

The first action this government took, and the first action any government in a parliament would take, was to sit down and say: "Here is the law. This is the way the legislation is going to be written." First, the government writes it out; then it presents it to me, as an opposition member, and asks, "What do you think of that?" It should not pretend, however, we all have equal opportunity for input into these things.

In a majority government such as the one here, it is reasonable to say that if any opposition member comes up with the greatest brainstorm idea the world has ever seen concerning this or any other bill, the government may choose to accept it. In my time in the Ontario Legislature, however, that is a really rare occurrence.

I can think of two or three occasions when the government was not in a minority government position that it actually accepted an idea put forward by someone other than a member of the government. When I say "someone other than a member of the government," I mean somebody who is not in the cabinet; that includes the ordinary members of the government party as well. That is not the way they function, not for a minute. I do not have any illusions about it at all.

**Mr. Wildman:** Do not put yourself down. Without you, this would have passed.

**Mr. Breaugh:** That is what we have. That is what a Legislature has in response to that. Now the government does not like it because it is inconvenienced.

It is not unfair to say that this government would very much like to be able to walk into the Legislature of Ontario and say: "This is the law as



we wrote it. You can go outside and listen to what people have to say about it, but the law is staying the way we wrote it. We do not want a whole lot of mouthing off about this; so keep the speeches down, boys. We will have this vote tonight at six o'clock and it will be law by 6:30 p.m."

The parliamentary assistant, the member for Wilson Heights, would like to proceed in that way. Having to come before the Legislature with bills such as this is awkward. It is an inconvenience to him. He hears stuff he does not want to hear. He has to listen to arguments he does not like. Unfortunately, that is what a democracy is all about. All those people from Vespra township identified that as the problem here. That is what it is all about.

Let me read this last little bit from the minister's letter. "I do believe that decisions relating to municipal boundaries are a matter of public policy which are best sorted out at the local level." Thanks a lot. He also says: "The new Municipal Boundary Negotiations Act is testimony to this belief." Again, thanks a lot. Why did he not use it? "However, I have said many times and I say again that when a resolution cannot be obtained locally it is the duty of the government of Ontario to act."

What we have to say in response to that is, "In what way?" Is the government attempting to resolve a dispute, or is it attempting to propose an annexation that reflects the considerations of one party in the dispute at the total expense of the other party?

I do not believe this government can even pretend any more that it is acting as an arbitrator here. The government of Ontario decided, perhaps through the Solicitor General, maybe through the Minister of Municipal Affairs and Housing, but somewhere behind closed doors, that one party in this dispute ought to get all that commercial assessment—that is what it is about—and the other party in this dispute ought to go whistle in the wind.

In its own way, that is exactly what it told the people from Vespra to do, some days in committee using some rather crude language but most days simply ignoring them and hoping the problem would go away. I do not believe the problem will go away, not for an instant.

**5:40 p.m.**

"The village of Point Edward is also involved in a boundary dispute and is interested in this bill. It is interested in proceedings initiated by the city of Sarnia under the Municipal Boundary Negotiations Act. The village's role is that of observer. The fact-finder appointed to study this

area after the city's application determined there were certain issues worthy of negotiation by the city of Sarnia, the township of Sarnia and the county of Lambton. The negotiations have been in progress in this area for eight months."

It is a different set of circumstances to what we have here.

"The village of Point Edward was extremely disturbed and disappointed with the article appearing in the April issue of *Municipal World* entitled 'Annexation—A New Provincial Solution? The Minister Responds.'

"The village feels this article undermines the present negotiations. The parties came to the negotiating table on the assumption that there may be boundary-related issues worthy of discussion. If discussion between the parties revealed there were, in fact, problems, and that the ratepayers could be better, more economically and more expeditiously served, then the parties would attempt to agree on a resolution to the problems. If the parties determined that the resolution to the problems required boundary adjustment, that would then be considered if all parties deemed it necessary and beneficial.

"Obviously, boundary adjustment is not the only possible solution to boundary-related problems. Perhaps after thorough negotiation the parties would agree that an intermunicipal agreement would better serve the ratepayers in the area.

"We ask the honourable minister what the negotiating parties responding to the city of Sarnia's application are to think when the minister states it is government policy that urban development in an area should be enclosed within one municipal jurisdiction.

"It leaves very little doubt as to what the minister will do if the matter is left to him. It gives an unfair advantage to the applicants, in this case the city of Sarnia, because they can say, 'This is the way it is going to be, and if you do not like it, walk away and we will let the minister decide.' It forces the responding parties to be the compromising parties because they fear the matter is going to the minister.

"It predetermines that boundary adjustment is the only solution because it is government policy that urban development in one area is best served by one municipal jurisdiction. It places an unfair burden on the responding parties to disprove that the stated government policy makes sense locally, and it takes the onus away from the applicant to first show and back up with facts and projections that there are problems worthy of discussion. To date, the city's application is



ainted with the view that the provincial government is on its side.

"The presentation outlining their problem related to boundary issues speaks in generalities and puts forth the policy statements of the provincial government. They tell the responding parties it is common sense that economies of scale are better and that municipal agreements are not workable. They state further that the local ratepayer is suffering because the urban area is not enclosed within one municipal boundary.

"However, they have failed to present hard facts and projections which show that boundary change would accomplish what they say it would or that the entire area would be better served. They obviously feel it is not necessary to do this. The township of Sarnia and the county of Lambton are bucking government policy and, therefore, in the city's mind will surely be forced one way or another to accept boundary change.

"When the act became law the provincial promise was that local municipalities would be allowed to solve their own boundary-related issues. Government policy, as stated in the article cited, undermines the ability of the parties to consider all solutions other than annexation. It also wrongly takes the onus off the applicant party to clearly substantiate with facts the problems and inequities they feel are caused by the location of their municipal neighbours."

It is signed by D'Arcy Bell, councillor, on behalf of the village of Point Edward. It points out without any question the problem this government has with this bill. It has ramifications, it has spillover and it moves over into other areas. It causes other people substantial concern about basic things such as how municipalities deal with one another and how the province deals with its municipalities itself. Without question, it causes grave concerns about whether this government is attempting to find reasonable solutions to boundary problems or whether this government is simply intent to have its way with municipalities.

It is my experience here that at about the end of December every year it seems to be the case that the government brings before us one rural municipality where there has been a problem with boundaries. Every year, just before Christmas, its Christmas present to itself is to inflict some pain, some damage on a small rural township. I guess they have always felt fairly comfortable about that, that most of them are small disputes, not substantial ones on the order of a big regional government like Durham, Hamilton-Wentworth or something like that.

These are small, local arguments, by and large, and they are happening in Tory ridings, so members of the opposition parties on this side of the House will not necessarily know what the argument is all about. We will not be able to pick up the local flavour of the thing.

I think the premise behind all this action is to say: "We will bring that in late in the session, around the end of December, and it will be whipped through here. Never mind the committee hearings and all that junk, just pass the bill." Again, it goes back to all those people from Barrie-Vespra talking about democracy and how governments work. It goes back to the little lecture the Minister of Municipal Affairs and Housing gave to *Municipal World* for daring to print that article.

It comes down to the heart of how democracy and the parliamentary system work in Ontario. It says that once a year, near the end of a legislative session, we will whip something through. If it is unpleasant, something we probably should not do, the time to do that is late in the session. We will wait until all the members have been in there for two or three months. We will wait until they are fed up with legislation. We will wait until they have had to sit through all the boring estimates of everybody's ministry. We will wait until they are enticed by the invitations to appear at Christmas parties back home, church suppers, social events, dances and all of that. Let all of that pile up around the Christmas season and we will see if these guys want to sit in the Ontario Legislature or whether they want to go back home and do the political thing.

We will get it into that stage. We will bang it up there and say: "Normally we would let you people debate this bill but we really do not have time. Maybe we could give you half an hour this afternoon." Last year, for example, with Tiny township, I think we got a whole afternoon in committee on Tiny township.

That would have happened this year. If the Solicitor General had the skill, instead of the bravado, he would have been able to get this legislation through the House. I noted that some other members over there had said: "I happen to have read some time ago about disputes in the Barrie area. In fact, I read many of the planning studies. I happen to know a little bit of the basic arguments that are put here." Another member said, "No, this had better go outside." After a little bit of initial resistance the government said, "Let it go out."

That was the fatal flaw. That is where things went screwy. As soon as one opens this process



up, this wonderful parliamentary process that we have, the hiccups occur. That is when people from Vespra township actually get a chance to voice themselves. That is when it becomes very difficult to railroad and ramrod this stuff through here. The government has to at least justify, in the public's mind, it has to go through some pretence. It can have a set of phoney hearings if it wants, but it is hard to get away with that because people can actually see what is going on there.

That is difficult. I know the Solicitor General, the Minister of Municipal Affairs and Housing, the parliamentary assistant and all that crowd thought this little bill was going to come in here in December, near the end of a session, when the boys would be tired, anxious to go back home and get ready for Christmas, anxious to participate in that stuff, so they would not be interested in Barrie-Vespra.

That is why Barrie-Vespra got one hour's notice that the legislation was going to proceed and so did we. That is why there was some awkwardness as the government moved into its final phase of the legislative session, but agreed to let this go out. Really, it would have been somewhat beyond the pale not to let it go out for public hearings. So it did. That was the fatal flaw. Now it is back in here again.

I want to point out that this bill has some unusual legislative twists and turns to it. As members may know, I am interested in the machinations of procedure and all that stuff. This is a bill which was carried by motion of the Legislature of Ontario from one session to the next. It is an unusual procedure; not unheard of, but unusual. For a while we were dealing with a bill that had been introduced in one session and had no status in the next one.

We dealt with the bill in committee. As we went through it in committee and worked our way through it clause by clause we got to the state where we said: "There is no problem here. People are drawing boundary lines on a map that had no legal definition to them." I recall saying to the parliamentary assistant at the time: "You have a chance to reintroduce the legislation in the spring. Why do you not simply let your lawyers go off and draft a legal boundary definition such as we would see on an annexation bill of this kind and put it in?" They said: "No, we will not bother with that. We will just slap it together this afternoon and we will put that clause in. We will sort that out later."

**5:50 p.m.**

We subsequently found that the boundaries were changed. There is something not quite

kosher about that. There is something not quite kosher about presenting a bill to a committee, having the committee vote on a supposedly clear definition of a boundary line and then subsequently the minister, it seems at his own whim, changing that.

I raised this with the Speaker and, to paraphrase him, he said the minister will have to take such steps as need be to correct that situation.

This is where it gets dicey. I cannot say it misled us, I cannot say it misrepresented the bill, but it surely did something that left me with an unclear understanding of exactly what the government wanted in this bill. There is an aura around here, a sleight of hand, a little shucking and jiving so to speak, a little dip and a dive here and there.

We are left with a general impression that the government wants this damned thing resolved and it does not much care how. It does not particularly care who gets hurt in the process and it is not particularly worried whether it is seen as being fair. It is always dangerous when this government gets on the loose and does not really care any more whether it is perceived as being fair or just. It thinks it has an issue such as this one which is very local in nature, and then it shows its ugly side.

We are all aware of the millions of dollars the Big Blue Machine spends in Ontario convincing people how wonderful it is. When it gets right down to the hard core here and it decides it want to ramrod something at somebody, it sure knows how to do that. It knows how to pack a committee and get it out on the road, it knows how to introduce legislation at the appropriate moment and make that happen. For all its sense of propriety, it is not averse in the slightest to changing every little rule in the book, giving itself every little advantage it sees as necessary to work things around until it is the right time, the right place and the right way. Then, boom, it has exactly what it wants.

It does not mind taking potshots at all those wonderful agencies, such as the Ontario Municipal Board and the courts, that it would on other days so proudly herald as being so much a part of our democracy and part of the wonderfulness of being here and alive in Ontario. It does not mind categorizing them as being wrangles over a set period. It has no aversion to that at all. In recent months, we have seen the government talk about life in rural Ontario. When it is to its advantage to destroy life in rural Ontario, it is just procedure to go right ahead and do it.



For all the grand statements about women's institutes and their value to the rural community in Ontario, it does not pay much attention to them. When the women's institutes say something the government of Ontario does not want to hear, it does not generally get rude to them as it did to one other witness before the committee; it just simply ignores them.

We hear this government talk a lot about its roots in rural Ontario. That is true. That is how this one-party state evolves. In Tory Ontario, they put a lock on the system in this particular kind of rural setting. This is where they hone their political skills and we can see it at work in Vespra township. We can see there is a group of people to whom politics really means being a Tory. It is the only game in town.

Now these people feel betrayed. They understand the political process perhaps better than the member for Wilson Heights does, but that would not be hard. They understand the needs of a rural community. They understand what it is to live in a place such as Vespra township, to become relatively self-sufficient and then to see that self-sufficiency grabbed and drained away.

**Mr. Stokes:** I wonder if he has ever been out of Metro Toronto?

**Mr. Breagh:** Not by choice. He was at one time kidnapped up into Vespra township.

**Mr. Rotenberg:** I went up there before the member even knew there was a problem.

**Mr. Wildman:** The member started it.

**Mr. Breagh:** There was no controversy until he went up there.

**The Acting Chairman (Mr. Gillies):** Order. Would the member speak to the motion, please, and ignore the interjections?

**Mr. Rotenberg:** No, I went up to settle it, but Vespra did not want it settled. It has been going on for years, and this filibuster is not doing any good.

**The Acting Chairman:** Will the member for Wilson Heights please restrain himself.

**Mr. Wildman:** The member means he is going to ram it through anyway.

**Mr. Breagh:** I am feeling harassed. I have rarely been subjected to such a vicious attack.

**Mr. Wildman:** Mr. Chairman, the member for Wilson Heights is telling the member for Oshawa (Mr. Breagh) it does not do him any good as a member of this Legislature to speak in this Legislature.

**The Acting Chairman:** The member for Oshawa is speaking in the Legislature and has the floor now.

**Mr. Breagh:** The parliamentary assistant wants me to make some sense and get on with it.

**Mr. Rotenberg:** The member has not done so for the past two hours. I do not mind.

**Mr. Breagh:** I apologize to the member for Wilson Heights.

**Mr. Rotenberg:** I would be pleased to hear him if he were going to make sense.

**Mr. Breagh:** I apologize because I have not said things that pleased him immensely, but I want to point out that is going to continue.

**The Acting Chairman:** The member will please continue with his remarks.

**Mr. Breagh:** I am being harassed by the member for Wilson Heights. There has been a constant barrage of great quips.

**Mr. Rotenberg:** I have been sitting around for two hours waiting for the member to stop.

**Mr. Breagh:** Will the member wait longer?

**Mr. Rotenberg:** I will wait as long as he wants.

**Mr. Breagh:** Good. Now I have his consent, I may continue. He has allowed me to speak and I am most grateful.

I want to say a little bit in conclusion, in the bit of time I have left before the debate adjourns at six o'clock. I want to put on the record that I am intending to put forward what is called in the trade a hoist motion on third reading. That is, of course, anticipating that I will have concluded my introductory remarks by the time the House adjourns for the summer and that we will eventually get to a third reading stage.

The contents of this bill are such that there has been no attempt made on the part of the government of Ontario to arrive at a settlement. The nature of the bill begs for that. The nature of the bill begs for some common sense, for sitting down and sorting out problems that have existed for some time, but the government chooses not to do that.

The motion I will put to this Legislature, if and when we get to third reading of the bill, will simply say: "Let us set this one down for a while. Let us come back to it six months from now. Let us see if it makes more sense then to the interested parties than it does now. Let us see if we can get the financial stuff sorted out. Let us see if we can arrive at even some small pittance of consensus on the matter. Let us cease the confrontation tactics that have been used."

Basically, the confrontation on this bill comes from the government. The government instigated the confrontation on this bill.

**Mr. Rotenberg:** Nonsense. No way. That is not true.

**Mr. Breagh:** The government did introduce the legislation, did it not?

**Mr. Rotenberg:** That did not start the confrontation. It ended it.

**Mr. Breagh:** By the introduction of legislation, the government led to this impasse between the communities and led us to a situation—

**Mr. Rotenberg:** No, the impasse was there long before the government introduced the legislation.

**Mr. Wildman:** It just made it worse.

**Mr. Breagh:** I am being harassed again.

**Mr. Rotenberg:** The member is not being harassed, if he would just give the facts the way they are.

**The Acting Chairman:** Order. If the member is being harassed, he is also being a trifle—

**Mr. Breagh:** I am under fire here. I cannot withstand this barrage again. He says I am not giving the facts as they are. I suppose this implies I am giving the facts as they are not. I do not know what that means, but I always have a problem following the member's logic.

It would be a useful exercise to stand down this bill for six months, a year or two years. There are not going to be any big changes. I have read the press clippings from the Barrie area newspapers lately and I know there are not going to be great changes. I hope there are not going to be great changes in the area being proposed for annexation. I know they have said they are not going to run out there and provide a whole lot of services. I know the pressure will be on to provide urban

development in the area being proposed for annexation. There is no question about that.

I also know there is a little bit of time. I think it might be a useful exercise for us simply to say: "Let us pause here for a minute. Let us hold on. We have brought it to this stage." I think it would be accurate simply to say that at this time we know this legislated solution is not much of an answer. We know that. We know it is very likely that Vespra township, with the uppity folks there are out there, will exercise its democratic right to go to the courts. Without question, this is an option they have. I think they have established in the past that is exactly what they are likely to do.

As a legislated solution, this is unlikely to work as smoothly, to flow through the problem as quickly as the government would seek. I do not think the legislated solution in this bill is going to work, quite frankly. I do not believe the problem that has been initiated, at least in this phase of it, by the government of Ontario can work itself out. I do not think it is going to be that smooth at all.

The government could say: "Let us leave this bill on the Orders and Notices. Let us all go home for the summer, come back in the fall and pick it up again then." The possibility exists that if the government really wanted to put its resources to work to find an amicable solution, or if it wanted to do the most straightforward and sensible thing, it could just back off, so to speak; it could just leave things alone. The world would not end. It has chosen not to do that.

I think at some point we have to give that consideration. We have to be able to say the government of Ontario has now put the legislation on record as it sees it.

The House recessed at 6 p.m.



## CONTENTS

**Monday, June 11, 1984**

### Statements by the ministry

Grossman, Hon. L. S., Treasurer and Minister of Economics:

**American Motors automobile plant** ..... 2336

Snow, Hon. J. W., Minister of Transportation and Communications:

**Rapid transit** ..... 2334

Timbrell, Hon. D. R., Minister of Agriculture and Food:

**Bicentennial quilt** ..... 2334

### Oral questions

Ashe, Hon. G. L., Minister of Government Services:

**Administration expenditures**, Mr. Haggerty, Mr. McClellan. .... 2343

Brandt, Hon. A. S., Minister of the Environment:

**Water rates**, Mr. Nixon ..... 2346

Gregory, Hon. M. E. C., Minister of Revenue:

**Assessment Review Board ruling**, Mr. Epp. .... 2345

Norton, Hon. K. C., Minister of Health:

**Chronic care**, Ms. Copps, Mr. Wrye ..... 2338

**Trauma units**, Mr. Rae, Ms. Copps ..... 2339

**Inspection of nursing homes**, Mr. Rae, Ms. Copps, Mr. Cooke ..... 2342

**Inspection of nursing homes**, Mr. Cooke, Ms. Copps ..... 2344

Pope, Hon. A. W., Minister of Natural Resources:

**Use of government aircraft**, Mr. Peterson ..... 2337

Ramsay, Hon. R. H., Minister of Labour:

**Arbitrators' fees**, Mr. Mackenzie ..... 2347

Snow, Hon. J. W., Minister of Transportation and Communications:

**Rapid transit**, Mr. Samis, Ms. Copps ..... 2345

Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities:

**Superannuation**, Mr. Bradley ..... 2347

### Petition

**Sale of beer and wine**, Mr. Boudria, tabled ..... 2348

### Report

**Standing committee on administration of justice**, Mr. Kolyn, tabled ..... 2348

### Committee of the whole House

**Barrie-Vespra Annexation Act**, Bill 142, Mr. Bennett, Mr. Breagh, recessed ..... 2349

### Other business

**Hockey championship**, Mr. Eakins ..... 2333

**Election anniversaries**, Mr. McCague, Mr. Rae ..... 2333

**Response to question**, Mr. Riddell ..... 2337

**Response to question**, Mr. Wildman ..... 2347

**Answers to questions in Orders and Notices**, Mr. Wells, tabled ..... 2348

**Recess** ..... 2376

**SPEAKERS IN THIS ISSUE**

Ashe, Hon. G. L., Minister of Government Services (Durham West PC)  
Boudria, D. (Prescott-Russell L)  
Bradley, J. J. (St. Catharines L)  
Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)  
Breauth, M. J. (Oshawa NDP)  
Cooke, D. S. (Windsor-Riverside NDP)  
Copps, S. M. (Hamilton Centre L)  
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
Eakins, J. F. (Victoria-Haliburton L)  
Epp, H. A. (Waterloo North L)  
Foulds, J. F. (Port Arthur NDP)  
Gillies, P. A., Acting Chairman (Brantford PC)  
Gregory, Hon. M. E. C., Minister of Revenue (Mississauga East PC)  
Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
Mackenzie, R. W. (Hamilton East NDP)  
McCague, Hon. G. R., Chairman, Management Board of Cabinet (Dufferin-Simcoe PC)  
McClellan, R. A. (Bellwoods NDP)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K. C., Minister of Health (Kingston and the Islands PC)  
Peterson, D. R. (London Centre L)  
Pope, Hon. A. W., Minister of Natural Resources (Cochrane South PC)  
Rae, R. K. (York South NDP)  
Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
Riddell, J. K. (Huron-Middlesex L)  
Rotenberg, D. (Wilson Heights PC)  
Samis, G. R. (Cornwall NDP)  
Snow, Hon. J. W., Minister of Transportation and Communications (Oakville PC)  
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities (York Mills PC)  
Stokes, J. E. (Lake Nipigon NDP)  
Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
Turner, Hon. J. M., Speaker (Peterborough PC)  
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
Wildman, B. (Algoma NDP)  
Wrye, W. M. (Windsor-Sandwich L)





# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Monday, June 11, 1984

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, June 11, 1984

The House resumed at 8 p.m.  
House in committee of the whole.

## BARRIE-VESPRA ANNEXATION ACT (continued)

Resuming consideration of Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

On section 1:

**Mr. Breagh:** Mr. Chairman—

**Mr. Rotenberg:** As I was saying.

**Hon. Mr. Ashe:** And in conclusion.

**Mr. Breagh:** There is a lot of heckling and interjecting here. I am not sure I can get started right off the mark, but I will try.

I have followed the accounts of Bill 142 in *Municipal World* and I have found them interesting. As I pointed out last week, the administrator for Vespra township submitted an article in which he did a documentary of how this bill has proceeded to date. Then the minister replied to that article. I thought members would be interested in a couple of comments made by Julian Tofts, clerk-administrator of the township of Vespra, in response to the minister's letter.

This is taking on connotations of the fullness of the debate and the remarkable ability on the part of a number of people to recognize that there is much more at stake here than one particular little portion of a rural township in Ontario, that there are very important principles at stake in the course of this debate. Therefore, it is subject to analysis that most other pieces of legislation do not get. This one, I believe, deserves that kind of analysis. It deserves a response that is full and complete by all the parties that are participants in the debate itself.

I found in much of what Mr. Tofts had to say a certain gratitude on the part of the council of Vespra that other rural municipalities in this province recognize the bill for what it is. It is a dangerous intrusion on the autonomy of municipalities: first, to carry on their own normal business; and second, to be able to proceed in a way that is unhindered by adjacent municipalities.

Is there a sale? I keep waiting for the gin to arrive, but so far it is still water.

**Mr. Chairman:** I guess the page wants you to continue.

**Mr. Breagh:** Yes. This is an indication that we are ready for the night.

**Mr. Stokes:** It shows the pages are listening, anyway.

**Mr. Breagh:** It does point out that many of our rural municipalities—all of them, I am sure, that are adjacent to an urban centre—recognize that this same approach can be and probably will be used on them. They are recognizing that this is not just a subtle intrusion on their right to provide local government; it is a substantial change in lifestyle for the people in that rural municipality, almost all of whom moved there in the first place to get away from city life.

In many cases, they chose a rural municipality adjacent to an urban centre because it gave them a unique lifestyle. They could live in the country and work in the city or have access to city things such as shopping, entertainment, sports facilities, education and all that. It is a very important choice most of us in the Legislature would defend very proudly. We would say to be able to make that kind of choice is one of the great things about living in Ontario.

They have also recognized—and this is what Mr. Tofts speaks to in his reply to the minister's letter—that if there is a change in the rules, unfortunately, it has a ripple effect throughout the community in lifestyle and costs of living. For example, in a small rural municipality people very often have septic tanks. That dictates that one must have a lot of frontage and a fairly large piece of property to go along with it. Most of our rural municipalities recognize that it is possible to provide those amenities in those circumstances these days, but it is in conflict with the urban standard.

If one moves a rural area into a part of the city, because the people there have large frontages on their properties they will be penalized with frontage charges when a water and sewer system is put through. The frontage charges are designed by the urban centres to recover cost on a per foot basis of installing water and sewer services on what would be a normal urban frontage of about 45, 50 or 60 feet. A rural area, with its kind of housing approach, will have frontages of 150 or

200 feet, so there is a substantial financial impact in addition to all the others.

I want to quote a couple of concerns put by Mr. Tofts in the article in *Municipal World*:

"It concerns my council that in a democratic society a minister would even wish to suggest that such circumstances have occurred before, but assuming for a moment that Mr. Bennett is correct, when does inequity before justify inequity now?"

"My council has to respectfully disagree with the minister's assertion that when the government is enacting legislation to change municipal boundaries, it is never done hastily and without careful consideration. In this particular instance, an effective date, January 1, 1984, originally appeared in the bill. It was quickly recognized that this date was so impractical that it had to be changed within a matter of weeks.

"In addition, however, in a situation where both the city and the province had officially recognized that Barrie did not need more developable land, Vespra council feels it was irresponsible, to put it mildly, to incorporate into the bill the fairly substantial area of environmentally sensitive land and prime agricultural land which were to some extent removed by the standing committee on general government following committee hearings."

How the change occurred is important to note. This is not a matter of going to an area and seeking a consensus on what must be done. This is a matter that was decided behind closed doors and put into a piece of legislation presented to the Legislature last December. It was changed somewhat as it went through the committee system, but it still retains some earmarks of a dangerous and not well-thought-out approach that has dramatic and far-ranging effects on life in rural Ontario.

Let me go on with one or two more sentences from Mr. Tofts's reply:

"What is even worse in council's view is that the government which included that land then seeks to claim its subsequent removal from the annexation area as a virtue and an example of democracy at work. In trying to justify the need for legislation, Mr. Bennett refers to a task force report, several municipal board hearings—one lasting nine months—several court cases, over \$1 million in public funds and 10 years of deliberation. My council feels that kind of generalization is both dangerous and misleading. The task force report referred to by Mr. Bennett relates to a good deal more than just the Barrie-Vespra area and was not created specifically for this annexation.

**8:10 p.m.**

"In any event, as I have previously indicated, that report has already been described as irrelevant and obsolete in so far as it relates to future population growth for Barrie. The several Ontario Municipal Board hearings were only necessary to defend our position and those of the two other rural municipalities involved. Most of the court cases relating to the matter have resulted in government's intervention in the original Ontario Municipal Board hearing in 1976-77, and the township of Vespra had, to a large extent, not been an active party with regard thereto.

"There have been many references to the \$1-million expenditure of public funds and Vespra township feels this is deplorable. Again, it has been stressed that this money was not spent at this township's initiation but as a direct result of the combined actions of the city and the province who made it necessary for the townships to defend themselves. In referring to the expenditure of money, it should always be remembered it is a great deal more difficult for the rural municipalities to find funding than it is for the province or larger urban municipalities.

"Finally, Mr. Bennett makes reference to the 10 years of deliberation. I stress again that Vespra township's only involvement has been to defend its position when required to do so. Also, there have been large time gaps, one as long as four years, when Vespra was not an active participant. Mr. Bennett is apparently alleging on behalf of the provincial government that if a rural township exercises its normal rights to defend itself and does so with relative success, it is the very time and money spent on that defence which apparently acts as the justification for the introduction of legislation. Perhaps my council can be forgiven for not being able to appreciate the logic of this argument."

I think what he is saying there in a nutshell is very simply that here is a rural township under attack once again for defending itself in the first instance. That is a remarkable attitude for a government to take. It essentially says if a rural township tries to defend itself before the Ontario Municipal Board or in the courts and it loses everything is all right. But God forbid it should win once in a while. God forbid it should maintain its status quo. God forbid it should successfully defend itself, because in that instance the province will move in legislative ways to terminate whatever the problem was in the eyes of the province.



At the heart of it is a denial of the right of a municipality, however small, to use due process, if we might use those words, to defend itself. In essence, it says: "Perhaps you can use due process as long as you are not good at it, as long as you are inept, as long as you spend lots of money and do not win. But should you present to an Ontario Municipal Board hearing an argument that is fair, logical and rational, that provides your side of the argument, with a case that is appreciably stronger than somebody else's, you are going to get punished for it."

I find that a strange position for the province to take. It would have been one thing if it had said: "We are going to try to beef up that process. We are going to try to make that process work a little better and have the Ontario Municipal Board hearings scheduled on a more regular basis. We are going to take this through due process to the nth degree," or whatever.

I believe Mr. Tofts is right. He has struck upon the central theme and the central bit of concern the other rural municipalities have picked up on, that one no longer even has a right to defend oneself. All of that touted process laid out to establish a structure for hearing these problems and providing a recourse for municipalities when they get into boundary disputes is eventually set aside. Now there will always be present a constant, nagging fear in the minds of many rural councillors that if they do not tow the line, if they dare to be so uppity as to insist they have some legal rights, they will be punished for that.

I think that is the heart of the argument. Mr. Tofts has put it rather eloquently. Let me just conclude this with a couple of last lines from his letter:

"Council finds it regrettable that Mr. Bennett criticizes the question presented in the referendum to the people of Vespra as being simplistic in the extreme. This does, of course, place council in a 'catch-22' situation. If they ask a question such as this, it is alleged to be overly simplistic. If they do not ask the question, they are alleged to be acting contrary to the wishes of their people. If they ask a more complex question, they are told they made it too complex for the people to understand."

"Council is in fact proud of the honest, simple, straightforward approach it has adopted with regard to the public and feels this is consistent with the grass-roots approach it pursued throughout this matter."

"Vespra council wishes to draw the attention of rural municipalities to the specific statement made by Mr. Bennett that a contiguous commer-

cial area would form a part of the city of Barrie. In other words, the commercial area so essential to the lifeblood of Vespra township is going to become part of the city, come what may. In the same letter, Mr. Bennett said this legislation could hardly be undemocratic."

"Vespra township council feels that very little more needs to be said to demonstrate so totally the fundamental danger which is now only too apparent to rural municipalities—1984 had indeed arrived."

That does explain why this piece of legislation has hit a nerve in rural Ontario in a way I have never seen before. In its own succinct way, that letter puts its finger on the problem that smaller municipalities cannot win any more, even if they do successfully use a lawyer, even if they do successfully present a case to the Ontario Municipal Board and even if they do accurately reflect the wishes of their constituents. Despite all that, the end result will be a government that says: "We did not like the way the courts ruled on this. The courts ruled on technicalities. We do not like the rulings of the Ontario Municipal Board on this. It ruled on technicalities."

In other words, the government is saying: "Everybody else who has looked at this problem in whatever form was wrong and we are right. Not only are we right, we will use the power of a majority government to snuff out that dissent."

I always get nervous when a government is so unsure of itself that it fears dissent. I had always thought that in the western world one of the precious commodities we have is the right to dissent. It is not as though there is a revolution brewing in Vespra township. The people are marching up and down the road and they are marching in anger, but they are not carrying arms and they are not threatening, as farm survival groups have, to take on the establishment authorities. They are talking about their right in a democracy to say no. They are talking about their right to say, "I do not want this to happen," and they have exercised what we would consider to be due process.

I do not know all the people in Vespra township that well, but I would imagine it is not a common occurrence in Vespra township to be popping off to Toronto to attend such things as Ontario Municipal Board hearings or to be running off to court to defend a case. I would imagine the preference of the people there would be to stay at home and to run their farms, small businesses and council in peace. It is an intrusion to have to gather up the forces every now and again and whip off to something such as an OMB



hearing. It is an intrusion to say they have to gather up some legal counsel and go to fight a legal battle.

I am sure the people on that township council did not run for public office to spend their time before committees of the Legislature or OMB hearings or court proceedings somewhere else. They simply wanted to serve their community. It is unique and true that when a council does something such as the little referendum, the minister then criticizes it for designing a referendum that is clear, simple and straightforward. I find that more than a little passing strange.

It is understandable that a government led by the member for Brampton (Mr. Davis) would not be given to straightforward questions or straightforward answers, that it would by its very nature follow the example of its leader and tend to make the simplest problem as complicated as possible. The language that would be used by such a government would be long, fluid, flowing and sometimes perhaps difficult to ascertain the meaning of exactly. I think, however, that it is unfair to criticize other people in a public and even in a private way for daring to ask a question that others would understand or daring to ask a question to which they can give a ready, informed and straightforward answer.

That is exactly what Vespra township did. It asked a straight question and got a straight answer. The truth is the government does not like the results and criticizes the council for the vehicle it used and its right to use that vehicle. The government criticized the council for defending itself.

**8:20 p.m.**

Why is the parliamentary assistant making an argument that these rural municipalities should just roll over and play dead every time somebody in their neighbourhood wants an annexation? Is the government saying they do not have a legitimate, democratic right to come before this Legislature and say, "That piece of legislation is not in the best interests of our constituents and we do not want it"?

Is he criticizing their right to ask tough questions about financing and the provision of services? Is he denying for a moment that they have identified all the areas where critical answers need to be given and none has been given? Is he denying their right to defend the preservation of agricultural land? I hope not.

Is he denying their right to defend the preservation of environmentally sensitive land? I hope not. Is he denying them their right to say: "This is a rural municipality and we want it to

stay that way. That is our choice for our lifestyle. That is our choice for a township. That is our choice for the type of government we prefer and the level of services that we prefer"? Is he saying they do not have that right? I hope not.

I hope the parliamentary assistant will recognize what I have heard many ministers say on several occasions: "That is Ontario. Its diversity is its strength." One would never know that from the approach taken by the government in this legislation.

There are a couple of other things I want to get on the record.

**An hon. member:** Just a couple?

**Mr. Breaugh:** Just a few.

I mentioned a moment ago that the Premier has not given the straightforward, straight-ahead answers to questions. It is his speciality of the house to say in a somewhat confusing and circumlocutory way what it is he wants to say. He never gives a straight answer to a question. On one occasion, the Premier did attempt—it probably means he did not write it—to provide a fairly straightforward commitment to the township of Vespra and the then Reeve Buie.

"Thank you for your letter of November 25th in which you brought to my attention the desire of the township of Vespra to participate in negotiations with the city of Barrie relative to your annexation dispute."

That is strange. That letter was written December 8, 1980. There is recognition by the Premier of Ontario that the township of Vespra asked to participate in negotiations with the city of Barrie relative to the annexation dispute. It seems a clear recognition on the part of the Premier of the province that the township, contrary to what one might have been led to believe by other remarks made by the current Minister of Municipal Affairs and Housing (Mr. Bennett), the parliamentary assistant or the Solicitor General (Mr. G. W. Taylor), who is not here tonight, made an attempt to resolve this dispute. That township did not do anything—

**Mr. Rotenberg:** All they did was write a letter. They did not follow it up. They refused to come to a meeting after that.

**Mr. Breaugh:** The parliamentary assistant woke up for a minute. I will continue with the Premier's letter:

"From the tone of your letter, I presume that the township feels that the province is not taking cognizance of your concern. I can assure you that is not the case.

"The Ministry of Intergovernmental Affairs has undertaken to participate in annexation nego-



tiations where requested by both parties. They received a request from Innisfil and Barrie to participate in their discussions and have done so. The Honourable Thomas L. Wells assures me that he is very much aware that Barrie and Vespra have also an annexation issue and is prepared to establish a negotiation team for that purpose if requested by Barrie and Vespra.

"I have asked the Ministry of Intergovernmental Affairs to acquaint Barrie with your desire to commence negotiations. This has been done and I believe that the mayor of the city of Barrie has already been in touch with your officials with a view to arranging a meeting which will include ministry staff.

"I wish your council every success in the negotiations with the city of Barrie and look forward to a successful outcome."

If one were a little on the naive side, one would take the Premier of the day at his word. One would have to say that at the very least the Premier of Ontario recognized on December 8, 1980, that there was a dispute in place, that Vespra township had shown some initiative to try to resolve that dispute and had written to the Premier and asked for participation in some negotiating process which would resolve that dispute.

They have put on record for some time now their willingness to participate in a resolution of this. The parliamentary assistant in his wisdom shakes his head back and forth, which I assume means no. Is that right?

**Mr. Rotenberg:** That is right.

**Mr. Breagh:** Does up and down mean yes?

**Mr. Rotenberg:** They refused to come to the table when they were invited.

**Mr. Breagh:** They refused to come to the table when they were invited.

**Mr. Rotenberg:** They write pretty letters but they will not turn up.

**Mr. Breagh:** They write pretty letters but they will not turn up. I could suggest the Premier on occasion writes pretty letters and does not turn up either. That might be the case.

Here is the documentation that the Premier was aware that the dispute was under way there and that the township of Vespra was prepared to work its way through this dispute. The interesting question is, having seen that initiative by the township of Vespra, what happened in the three interim years? Why was the Ministry of Intergovernmental Affairs at that time, and subsequently the Ministry of Municipal Affairs and Housing, unsuccessful in bringing together these people

who had already indicated a willingness to negotiate?

The parliamentary assistant, in his infinite wisdom, said they did not want to. It seems to me the Premier was responding to a letter that asked for negotiations. I think the more likely version of the truth would be that the ministry, for reasons that escape me totally, did not want to pursue this very aggressively.

**Mr. Rotenberg:** That is certainly not true and the member knows it. The ministry wrote to them and they refused to come to the table. They did not come. They did not accept the invitation, and that is a fact.

**Mr. Breagh:** There is an odd point in the debate—

**Mr. Rotenberg:** The member asks questions, but he does not want the answers.

**Mr. Breagh:** No, I am happy to have the answers.

**Mr. Rotenberg:** The member has been talking for seven hours. He does not give a chance for answers. He is only interested in giving his version of what happened.

**Mr. Breagh:** I have been lectured by better people than the parliamentary assistant, so I am hardly disturbed by this; but I want to respond a bit to it.

**Mr. Rotenberg:** The member can talk all night. He is going to talk until 10:30 anyway, but he might as well get some facts in here.

**Mr. Breagh:** The parliamentary assistant says they did not answer letters. Where I come from, there are things called telephones. If people do not answer letters, one can pick up this little magic box and talk to them right on the phone. More than that, if one is really serious about getting a set of negotiations under way a technique is very often used that is rather radical from his point of view. One actually goes and looks people in the eye and says: "Listen, you wrote us a letter and said you wanted to begin these negotiations. Here we are. Let us negotiate."

Anybody in the Legislature who has ever done any kind of negotiating knows people do not negotiate by sending one another letters. The United Auto Workers and General Motors would never have a signed agreement if all they ever did was sit in their respective offices and write letters to one another. Nobody who has ever negotiated anything in his life would do so by correspondence.

Negotiating is not an exercise in correspondence. The parliamentary assistant knows that.



He knows that if he wants to negotiate something, he may begin the process by putting in writing his willingness to begin the process; but he also knows that if all people ever do is write one another little notes or write letters back and forth, nothing will happen.

**Mr. Rotenberg:** All Vespra did was write one letter. When they were invited they would not come. It was Vespra that wrote one letter and did not come, not the other side.

**Mr. Breagh:** The parliamentary assistant is breaking my heart with this tale of sadness. The tears are starting to flow from both my eyes. It is almost as if none of the ministry staff, the parliamentary assistant, the local member for Simcoe Centre, the Solicitor General, or the Minister of Municipal Affairs and Housing had ever negotiated anything in their lives. One cannot negotiate access to somebody's backyard by passing correspondence back and forth. If one wants to have that set of negotiations proceed, one has to go and talk to people. One has to sit down face to face.

**Mr. Rotenberg:** I have talked to Vespra. They do not want to negotiate.

**Mr. Breagh:** I can understand why they would not want to negotiate with the parliamentary assistant. I would not want to negotiate with him either.

**Mr. Rotenberg:** That is the member's problem.

**Mr. Breagh:** No, it is the parliamentary assistant's problem basically; it is my pleasure and his problem.

I think in some weird and wonderful way—

**Mr. Chairman:** This is a second reading debate. A lot of interjections are out of order, but carry on.

**Mr. Breagh:** Thank you, Mr. Chairman. You are a great help indeed.

**Mr. Rotenberg:** Is the member going to talk until 10:30, just so we will know?

**Mr. Ruston:** There are two speakers, one over there and one over here. The member for Wilson Heights (Mr. Rotenberg) thinks he is speaking too.

**Mr. Chairman:** The member for Oshawa has the floor.

**8:30 p.m.**

**Mr. Breagh:** It is strange. The member for Wilson Heights could have used his ability to talk over a three-year period; he could have had the audacity to invite Barrie and Vespra together. He could have used his ability to open his mouth and

let the words flow. He can do that but he did not. That is strange.

**Mr. Rotenberg:** How does the member know? The ministry did all kinds of things.

**Mr. Breagh:** The parliamentary assistant is alleging that we do not know what went on. He is alleging that the ministry did all kinds of things. He is alleging that he personally did a whole lot of things. All I can say is that nowhere in the course of the hearings did the ministry ever say: "This is a list of the number of occasions when we invited both parties to a bargaining table. This is a list of the number of occasions we went there and asked them to participate in a negotiating process." I am not aware of any of this from the record.

The parliamentary assistant is alluding now that the KGB of the Ministry of Municipal Affairs and Housing somehow had operatives working in the Vespra area, inviting them down, spying on them and making presentations to them.

**Mr. Rotenberg:** Come on; stop that. KGB spies? What a lot of nonsense.

**Mr. Breagh:** I am looking for it. They introduced the legislation in December. He has had committee hearings. He had an opportunity at the beginning of this debate in this session of the Legislature to put on the record the actions of his ministry to resolve this dispute in a nonlegislative way. To my knowledge, the sum total of his efforts in that regard is zip. He did not do it.

**Mr. Rotenberg:** They said they would not come. They would not talk to us. That is all. It is as simple as that. Vespra would not come and talk. The member was in the committee when we offered Vespra publicly to come and talk, and they would not come.

**Mr. Breagh:** When I was a very small child my mother told me that was not an acceptable thing to do. I could not pick up my marbles and leave the backyard and say: "I will not play. You do not want to talk to me."

**Mr. Rotenberg:** That is what Vespra did. It is Vespra you are describing.

**Mr. Breagh:** If the parliamentary assistant wants to resolve a dispute—and they are supposedly the pros in the field in knowing how to handle these things—he should have known that the onus was on him. There seems to have been an apparition last December that said all of a sudden: "The onus is on us to legislate this dispute. The onus is on us as a government to set aside any judgements by the Ontario Municipal Board, by a court and to put in legislative form,



in secret, what we want to do and then we will give them an hour's notice and table it in the House." It seems to me he would have been well served had he had the audacity or the temerity to go to the area and negotiate there.

If no one in the Ministry of Municipal Affairs and Housing knew how to negotiate, maybe he ought to have asked somebody in the Ministry of Labour. I know a couple of people there who are very good negotiators and mediators, and they understand the process. The process is not something of writing one another letters every now and then; the process is one of gathering around in a common place at a common time and forging a resolution to a problem. Vespra asked to do that.

The Premier says in his letter that they would be happy to accommodate them. Then for the next three years they did absolutely nothing. They have nothing on the record to establish that they did anything. We are supposed to accept some kind of innuendo that they did a lot of good work. I do not think they did anything in the interim.

**Mr. Rotenberg:** The member would not believe anything anyway. His mind is made up; it is closed. All he is doing is saying the same things for the fourth or fifth time to keep going.

**An hon. member:** Give us your evidence.

**Mr. Breagh:** I am inviting the—

**Mr. Rotenberg:** The member should sit down and finish his remarks. We will go through clause by clause and he will get some answers.

**Mr. Breagh:** I do not take direction from the parliamentary assistant particularly well, ever. I am certainly now going to take it—

**Mr. Rotenberg:** The member has been giving me directions for three or four hours now.

**Mr. Breagh:** I will put on the record an invitation for the ministry to table now something it has withheld from us as a committee of the Legislature and withheld from us as members of the Legislature ever since it introduced the bill.

For example, in the standing orders something called a compendium is supposed to be introduced when a bill is put together. I have the compendium with me tonight, and if he wishes I can read it for him.

**Mr. Boudria:** Read it to us. It is important we know what is in there.

Interjections.

**Mr. Breagh:** There are a lot of demands to hear me read the compendium, but nowhere in that compendium—

**Mr. Rotenberg:** Will you finish your filibuster?

**Mr. Stokes:** Keep quiet, you pipsqueak. You do not have the floor.

**Mr. Rotenberg:** Shut up, you pipsqueak.

**Mr. Breagh:** Is that parliamentary, "Shut up, you pipsqueak"?

**Mr. Chairman:** Order.

**Mr. Breagh:** Could I suggest you throw the bum out?

**Mr. Rotenberg:** Throw him out. Throw the guy next to you out. He is the bum.

**An hon. member:** "Shut up" is not parliamentary.

**Mr. Breagh:** There are a lot of new parliamentary words getting on the record here tonight: "shut up," "piqsqueak," "bum." Get the list out; I do not think they are on the list.

**Mr. Stokes:** That is not one on the list; I know.

**Mr. Rotenberg:** You know better than that.

**Mr. Breagh:** The Premier acknowledged that Vespra had agreed to and had asked for a set of negotiations. To my knowledge, there is no record of ongoing negotiations and there never was a serious attempt on the part of the ministry to bring the two parties together to arrive at a consensus.

I and many other members are aware that there are people working for many of the ministries who have negotiated all kinds of resolutions to problems. In the Ministry of Community and Social Services, in the Ministry of Education, in the Ministry of Labour, in the Ministry of the Environment and in all the other ministries there are people who are very skilled negotiators and mediators; there are people who know how to get divergent opinions together, so to speak.

I am at a loss to begin to understand why, after the letter of the Premier written in 1980, not much happened. The parliamentary assistant implied that a whole lot went on, but in the course of all the hearings there was not the slightest hint—not from Barrie, not from Vespra, not even from the ministry—that negotiations had even been attempted in any serious way by the ministry.

It is passing strange, quite frankly, that we are told here this evening by means of an interjection that a whole lot of negotiating went on, when in fact the minister did not say this when he introduced the legislation, and when through a whole set of committee hearings nobody—no one from Vespra, no one from Barrie and no one from

the ministry—put on the table a list of occasions when ministry staff had gone up there.

The best recollection I have of anybody even vaguely implying he had attempted to resolve the dispute in a nonlegislative way is of some staff people who said they were aware of the problems from different perspectives and of a few staff people who said they had visited both municipalities and discussed it with them. But to my knowledge there were absolutely no solid efforts to negotiate an end to this dispute.

What is very strange is that between the time the Premier wrote this letter to Vespra and the time the Minister of Municipal Affairs and Housing introduced his legislation in this Legislature in December there seems to have been a kind of Never Never Land. There does not seem ever to have been a chronology of events presented either here in the House or in committee that would say they began in response to the Premier's letter and met on these occasions: "Here are the position papers that were presented from both sides of the argument" and "Here are the results of the discussions on those position papers."

I am aware that in 1981, for example, Barrie presented a position paper for negotiations with Vespra; I have a copy of it signed by Mayor Archer. I will read just a couple of bits at the end of it because I think they are important. It covers the purpose of negotiations and the new boundaries and working agreements. They are not very much like any of the boundaries we have seen, I must say.

It talks about a financial agreement: "As previously stated, the financial assistance to Vespra will have to come from the province." As a matter of fact, as I read the legislation, the province is not very willing to make and, to my knowledge, has not made much of an offer to provide that financial assistance.

He goes on to say in his letter: "However, we are willing to give support to the township in this regard if requested. We need to know the true extent of the loss of revenue to the township, which we understand is 17.5 per cent of taxes collected. A list of the assessment for all of the properties involved is desired for Barrie to understand the magnitude of the problem. Our staff can prepare this list if necessary."

In his conclusion he states: "Whereas annexation has been delayed over three years beyond the effective OMB date of January 1, 1978, Barrie is most anxious to resolve this issue, and we hope that our discussions will be mutually fruitful."

There we have on the record a request on the part of Vespra to negotiate a settlement of some kind and a request on the part of Barrie to do the same thing. It is questionable why nothing has proceeded from that point.

I also have here a letter of September 18, 1974, from the then clerk of Vespra township, Earl Richardson, which goes on to lay out some of their petitions.

**8:40 p.m.**

The purpose of this little exercise is to lay out the fact that position papers were put forward but no one used them very much. There were deliberations on the matter on the part of both councils; they have obviously corresponded and put some of their positions on record, but no one seems to have had the brains to make this thing work.

Why it would have to come down to a legislated solution in December 1983 is a good question. There appears to be something amiss here. There is something that remains unexplained and will remain a bit of a mystery to the Legislature as it tries to deal with this legislation.

I want to put on the record a little about the response to some of our earlier comments in the debate. I notice one of the things the mayor of Barrie had to say at the beginning of these comments was that this was all a lot of drivel. That is unfortunate. I hope he did not mean to imply that the contents of letters from one rural municipality after another in regard to the whole democratic process was drivel.

What he probably meant to say was that he did not like to hear it, that he was not happy with the contents or that he did not share the opinions. I hope neither he nor the mayor of any municipality in Ontario would say that what some other municipality had to say on a piece of legislation was not worth listening to, was drivel or was stuff that had no substance.

I must say I do not share that opinion by any stretch of the imagination. Of the 100 or so municipalities that took the time to pass resolutions registering their concerns about Bill 142 and why they were concerned about it, I did not read one that struck me as being something that was not carefully thought out and, I am sure, well debated at that municipal council.

In a democracy I hope one always retains the right to disagree, to come to a different conclusion, to use due process again at the Ontario Municipal Board, through the courts or whatever. A mark of a society that is democratic in nature is that it recognizes there are opposing opinions. The way to resolve opposing opinions



is not to call one another names. The way to resolve that is to attempt to appreciate, if possible, what the other person is arguing, to accept those portions that one agrees with or to accept a good argument when one is given.

It seems to me that is at the heart of this piece of legislation. There is a refusal on the part of the province, and perhaps on the part of the city of Barrie, to accept a good argument. There is a refusal to accept decisions made by other quasi-judicial bodies such as the OMB. There is a refusal to accept that just because Vespra is smaller, it may not necessarily be wrong; that in fact, from an academic, moral and democratic point of view, it may be quite correct in its stance that it does not want this annexation.

Many of have waited to see when we will be allowed to have shared with us, as members of the Ontario Legislature, the rationale behind that. As Julian Tofts said in his reply to the letter of the Minister of Municipal Affairs and Housing, the planning studies that were touted around the Georgian Bay task force were from a long time ago. This is an area of the province where some studies have been done, but I come from an area of the province where a study commissioned in the late 1960s, called the Oshawa and Area Planning and Development Study, cost just over \$1 million. That was at the discussion stage.

To my knowledge, there has been nothing so specific done in this area. If there had been, perhaps the arguments made by Vespra township and others would not be quite such telling arguments, because that would be the framework on which one could say this is not an arbitrary decision on the part of the government of Ontario; not only does this reflect concerns that have been studied and examined by people who live in that area but also studies have been produced which essentially said yes or no.

Such studies would have shown the annexation of that area has much more to do with just grabbing assessment from one rural municipality and stuffing it into an urban municipality. They would have shown there is a planning rationale, a service rationale and a service area clearly defined. They also would have shown there is an area of environmentally sensitive land which must be protected and that a conscious decision was made as to which of the two municipalities could best offer that protection. They would have shown too that there is a major developer operating in the area, and that would be planned in conjunction with other major developers in the area.

One would have all those criteria laid down neatly, all those arguments that took place in a not very thorough manner during committee debate. All those arguments would have been addressed at some time or other in a planning study, a service report or in public meetings where the public has an opportunity to have its say. That is a better way to proceed.

In response to all the concerns put in writing by the township of Vespra and the city of Barrie in their position papers, the fair way to proceed would be to simply address those concerns and to say yes, there is a valid concern here or not a valid concern there, then to move gradually, slowly but surely and consistently to a position where they would have met the request made by the Premier that they proceed with a negotiated settlement of sorts.

To say at this late date that the only way to proceed is by legislation that does not reflect, as best I can determine it, the needs or the wants of either of the municipalities is crazy. It is not a coherent, logical way to proceed. Yet that is exactly what we are doing.

I will read a couple of parts of the letter sent by the reeve of Vespra township to the Solicitor General.

**Mr. Stokes:** Why do you not read the whole thing?

**Mr. Breaugh:** I could, sure. I am going to do this because I would prefer that the minister participate in the debate. He has shown great reluctance to do that and so, to assist him in representing his constituents, it is only fair that we put his letter on the record, because I think it is a useful observation on how the minister reflects the needs and wishes of his constituents.

**Mr. Stokes:** Is that the member for Simcoe Centre?

**Mr. Breaugh:** Yes.

**Mr. Stokes:** Let us hear it.

**Mr. Breaugh:** "Vespra council has noted the terms of the Barrie Examiner report on the annexation bill debate which took place on Monday and wishes to express extreme concern with regard to two of your comments.

"In the first instance, you describe the opposition's attack on the bill as a straight filibuster to impress the people from Vespra."

I am going to stop there for a minute, because those of us here who are parliamentarians, big fans of procedure, big fans of parliament per se, know that in a parliament one cannot filibuster. If we could, I would be in here tonight reading the phone book. If this were the American Senate,



that is what I would do. I could read phone books, comic books, anything I want, but in a parliament one cannot do that. One must address oneself to an issue before the House, such as we are doing this evening. One can not, in the traditional southern American sense, filibuster. One at least has to allude vaguely to some subject matter before the Legislature.

"Most of the debate so far has been a report on the expression of opposition to this bill by the county of Simcoe and the 103 municipalities which, to use the words of the county resolution passed on May 15, 1984, feel that:

"Such legislation is dictatorial, undemocratic, contrary to the wishes of the people, contrary to the greatest common good, unjustified and recognized as being a dangerous and unprecedented threat to rural municipalities and to the county system. We are shocked that you would find it appropriate to describe the expression of those views in an allegedly democratic system as being a filibuster.

"The views of the elected representatives of nearly half a million people should and must be heard, even though there are some who would like to pretend that they do not exist.

"We have also noted the further repetition that the legislated annexation is for the good of the whole area. Let it be understood that neither we on council nor the people we represent in Vespra are so selfish as to be continuing to fight this legislation if, indeed, we could be satisfied that such a statement is correct and not as it seems to us, meaningless platitude.

"The fact is, Mr. Taylor, that the commercial development along Highway 26 and Highway 27 in Vespra is an example of one of the most economic methods in existence of allowing commercial development. When and if the city does encompass this additional area, it is going to have to finance the provision of water and sewer services, fire protection, policing, the acquisition of Ontario Hydro facilities and some form of cost-sharing agreement with the Ministry of Transportation and Communications for the highway.

"What in effect will be happening is that you will be bringing the cost home to the city, which, according to the statistics that are available, forms only approximately 40 per cent of the total users of the commercial area in question. The argument in response to this, of course, is that the city will be in receipt of urban taxes which it did not previously have. This, however, gives rise to the question of whether or not the additional receipts from the annexation area will be

sufficient to offset the cost of urbanization faced by the city.

**8:50 p.m.**

"Only when this has been achieved and, indeed, when the city receives more in the way of additional taxes from the annexed area than the cost of urbanizing the area, will there be a material benefit to Barrie.

"Let us suppose, however, that the city manages to achieve this by increasing the taxes on the annexed area to the required extent. The inevitable effect will be that the increased cost will be passed down to the consumer and guess who will be paying more for their purchases? None other than the people from the whole area. That this legislation, according to your statement, is supposed to benefit.

"The only other possible good that can be alleged to be achieved by Bill 142 is the matter of planning control over the land which is the subject of the bill. As you are well aware, the township has introduced policies in relation to the regional commercial area which contain as many controls as are normally exercised by urban municipalities"—

**Mr. Nixon:** Speak up. I am missing some of this good stuff.

**Mr. Breagh:** I will go a bit slower.

**Mr. Breagh:** "The only reason those policies have not been formally approved by the Minister of Municipal Affairs and Housing is because the very body which would otherwise have wished such control to be in place, namely the city of Barrie, has objected to them.

"Coupled with the planning controls argument was the theoretical policy of the government relating to the control of urban development in one municipality. Having established that the commercial development is there and is severely restricted by the official plans policies, what in material terms is to be gained by changing the existing circumstances and what price is the whole area going to have to pay for the realization of the provincial government's theoretical, idealistic and outdated policy in this regard? The fact of the matter is there are many instances in which commercial areas are shared by two municipalities to the detriment of no one.

"In the face of the foregoing, we challenge you to state, in simple terms, how this legislation is for the good of the whole area as opposed to the political benefit of a few. The legislation is opposed by the elected representatives of almost half a million people, and you as one of the promoters owe them and the people of the city of



Barrie, who are going to have to face the resulting burden, a detailed explanation of the good you have referred to in an effort to justify this undemocratic legislation. Failing this, you and your colleagues should have the courage to admit your mistake and withdraw Bill 142 before history proves that piece of legislation to be an economic and political disaster.

"A copy of this letter is being sent to each of our Progressive Conservative colleagues in the Legislature and to the media." It is signed by Harry D. Adams, reeve of the township of Vespra.

The reeve has made his argument in a straightforward way. It is somewhat confusing to me as a member of the Legislature why the Solicitor General is so strongly connected and appears to be the only minister of the crown connected to this legislation. That is an unusual way for us to proceed. One does not expect the chief cop of Ontario to be settling boundary arguments. That is as close as we have ever come in our history to military intervention to resolve a boundary dispute.

If this were the Middle East, one might think it a common matter of the day, for it is the chief of military police or the armed services who heads the government's movement for intervention. The junta or central committee sends him on the road with his tanks and pistoleers to intervene and solve boundary disputes. But in Ontario, one does not normally associate the Solicitor General with boundary disputes and this kind of intervention.

One hopes there is no armed intervention, but it almost seems implied that the top gun in the province is carrying the payload for this matter on the part of the cabinet—

**Mr. Boudria:** Is the minister the top gun?

**Mr. Breagh:** One is hard pressed to say, if the Solicitor General, for example, does not like what was said here in this debate, will the Ontario Provincial Police be on my tail down Highway 401 this evening? It is possible. It would not be the first time.

Will he order the OPP into the area to resolve the dispute if the legislation fails? In my community, it would not be the first time the Solicitor General called out the troops, so to speak. It was a different Solicitor General working for a Liberal government at the time.

**Mr. O'Neil:** Blame the feds.

**Mr. Breagh:** Do not get too overjoyed. The member forgets. It was not that long—well, it was that long ago.

**Mr. Boudria:** It has been 41 years.

**Mr. Breagh:** There once was a Liberal government in Ontario. The last time they were in they called out the troops, the provincial police—

**Mr. Nixon:** Actually, it was the local member.

**Mr. Breagh:** Yes, the member is right.

**Mr. Nixon:** And he was re-elected.

**Mr. Breagh:** That was the last time we ever elected a Liberal to anything in Oshawa. We said: "That is it. If they get in trouble and call out the troops, too bad for those guys." There is now a Liberal out in the open in Oshawa, but it has been a long time. I do not want to divert myself from the bill in front of us this evening. I want to state my concern.

This is a release from the staff bureau here in Toronto which went into the Barrie Examiner. It says, "The delaying moves irk Taylor." I read that with some trepidation. I do not want to run afoul of the Solicitor General, but I do want to say if I am delaying the passage of this legislation somewhat, I am small bananas compared to the delaying moves that have been put on this legislation by the government of Ontario.

When the Premier himself writes to Vespra township and says, "Okay, boys, if you want to negotiate, we will negotiate," one would think that, as quickly as bunnies, entire ministries would fall out the back door at Queen's Park and rush to Vespra township to conduct those negotiations. It surprises me, quite frankly, that did not happen. The wishes of the Premier were not fulfilled. No negotiations took place. In the interim three years—and perhaps for longer than that, who knows?—nothing really happened. Nada; not a thing.

Now we are running the risk of irking the Solicitor General. I do not mind irking him once in a while. I do think it is odd that the Solicitor General has decided to intervene in this dispute in a way that is almost unseen. I believe he spoke a little in the second reading debate, but he did not participate in the public hearings nor has he in this debate so far, though he may when he gets his chance.

**Mr. Stokes:** If he gets his chance.

**Mr. Breagh:** If he gets his chance.

It is an odd thing to have this bill in the hands of the Solicitor General. I am not too sure it is appropriate to have a dispute of this nature in the hands of the chief cop. I do not think that is where it belongs. It belongs with the Minister of Municipal Affairs and Housing. We might even



accept the poor substitute of his parliamentary assistant, because the minister is not here. We should all be grateful he is not here. It adds to the tenor of the debate when he is absent.

**Mr. Boudria:** Yes, it could be worse. The minister could be here.

**Mr. Breagh:** The member is right. We should be grateful.

The other thing I thought was interesting was that there are replies here from the Minister of Energy (Mr. Andrewes) and the Minister of Education and Colleges and Universities (Miss Stephenson) on the same issue. One might ask why the Ministry of Energy gets involved in this dispute. There are a lot of players involved in this dispute whom one would not normally anticipate seeing there.

I think we just had the dancers walk in.

**Mr. Stokes:** Here comes Lucy-Goosey.

**Mr. Breagh:** Certainly got the strut.

I think it is interesting that the Minister of Energy deems that this bill and this argument are somehow within his jurisdiction too. He wrote a letter to Reeve Adams. I will go through it very quickly.

"There remains a misunderstanding in some areas as to why the government is proceeding with this legislation." He is certainly given to understatement here. "Further, there have been challenges to the authority and precedent for doing so. As a member supporting the government, I would like to clear up this misunderstanding." Someone certainly should.

It continues, "In brief, the 'why' of the legislation relates to the long-standing government policies relating to the containment of urban uses in urban areas"—I would have thought that would mean they would leave Barrie within the Barrie boundaries as it now is—"and is entirely consistent with the decisions of the OMB as far back as the 1950s on the annexation of urban fringe areas to the urban core. The province generally is concerned about service costs being levered on to urban centres by uncontrolled urban kinds of development beyond their borders."

As a former schoolteacher, I would hate to have to parse that sentence, but I think what he means is they did not like urban sprawl, to use the trendy word of the day. It is a little difficult to make an argument that after the shopping centre, for example, which is a limited form of urban development in Vespra township—

**Mr. Boudria:** Earl has municipal experience. He should be able to solve this.

9 p.m.

**Mr. Breagh:** Yes. I am sure J. Earl knows all about urban sprawl and various kinds of sprawl.

Let me continue with this letter because it is fascinating:

"The province is ultimately responsible for the design of municipal governments. Since Confederation the responsibility for municipal government has been lodged exclusively with the province. In that time literally hundreds of urban-rural adjustments have been made under the authority of the Legislature either by order of the OMB or special act. Many of these, like Barrie-Vespra, have involved the annexation of land that was already urban or about to become urban in character. Some of these adjustments proceeded with the agreement of the rural municipalities involved; others proceeded without their consent in the interests of the greatest common good. Without this flexibility to manage growth, Ontario would have experienced unlimited urban sprawl."

I am not really sure how accurate that statement is. I am not sure how many urban municipalities want to sprawl into rural Ontario. In the areas with which I have been associated there has been a peripheral problem, but I do not think anybody is seriously suggesting there are going to be shopping centres all over eastern Ontario, northern Ontario or western Ontario. For the most part in planning areas, there are continual disputes about the placement and development of shopping centres, but it really is not quite as the minister has stated.

Let me continue: "Annexation is not a new solution. What is new, unfortunately, is Vespra's refusal to negotiate in any forum." I find that really tough to understand in the light of the response of the Premier on December 8, 1980, to Vespra's request for negotiations. It does not say here Vespra is not happy now, nor that Vespra township picked up its marbles and stomped out the door. A minister of the crown refers here to "Vespra's refusal to negotiate in any forum, including the Legislature's standing committee on general government." I was there and I did not see much opportunity to negotiate in that standing committee.

"The township either cannot or will not see the need for any adjustment. Its position throughout has been that it is unwilling to tolerate any interference in its affairs from a neighbouring municipality or from the province. To have heeded Vespra's brief and not acted would have been to give up on provincial policy to pursue rational boundaries as conditions change. Even



so, the minister and the government proceeded with the legislation with great reluctance." I did not notice that.

"Reaction of the province came after a task force report," which I must admit I have never seen—what is referred to is the report of the Simcoe-Georgian Bay Area Task Force, but surely no one would pretend it had much to do with this proposed legislation—"several OMB hearings and court cases and the expenditure of \$1 million in public funds and some 10 years of deliberations."

Some members pointed out to me last week—I think the member for Wilson Heights did so himself—when I read the resolutions from the municipalities that there was some repetition. He seemed to imply that this somehow was a criticism of the validity of their statements on Bill 142. If he had had the temerity to be with us this evening, I wonder whether he would be saying the same things about the government's response to this bill because there seems to me to be an alarming repetition in the government's responses. It is alarming because the government never bothers to explain its reasons. It simply states the same words again, and some of them appear to me at least to be open to some judgement calls about just exactly what they mean.

Let me just conclude this letter: "There are those who remain convinced that the question of urban-rural adjustment is a matter for the courts or quasi-judicial adjudication. The government—supported, by the way, by the select committee of the Legislature on the OMB in 1972—is of the view that the drawing of a municipal boundary is a political act. In these kinds of issues, it should be local politicians who shape our communities.

"This is the thrust of the new act. Legislation remains a possibility, of course, but one to be exercised only in the event of a local failure to find solutions.

"With kindest regards,

"Yours very truly, Philip Andrewes, Minister of Energy."

I read this letter and I found it confusing. On the one hand, I understand why the Minister of Energy is replying to this particular case. He is writing a letter to Vespra township because he comes from small-town Ontario. I am sure the Minister of Energy is aware that in his local area there have from time to time been arguments between and among municipalities that are adjacent to one another and they have to be resolved in some way. I find it really strange that he says in the concluding part of his letter, "In

these kinds of issues, it should be local politicians who shape our communities." That is an interesting thought, but it did not happen here.

I would offer a further small point of argument. In my experience as someone who sat on planning committees a great deal, we always used to say, and be fairly careful about it, that these are in some sense political decisions which must be made. Ultimately, it is the elected politicians in the local municipality who make those decisions. But we also spent a great deal of time, money and effort to see it was not just an old, gut politics decision that was made. We also spent a great deal of time, effort and money to see that when decisions around things such as boundaries were made, some planning criteria were used and some service capacity analysed.

Things such as population projections were done. Demographics were brought into the picture. There were arguments about community interest. There were arguments about how big and how small certain kinds of communities should be and how, in general, they should fit into an official plan for a larger area. We were very cognizant of all those details before the political decision was made.

I do not have any problem with the right of the Minister of Energy to intervene with his two cents' worth here, but I have some difficulty with the gist of his argument. He argues, on one hand, the decision should be local, but on the other hand, he is supporting this legislation which is in no way local. If one put this legislation in front of the people in that area, generally one would not get them being supportive of this particular approach.

The local people in Barrie and in Vespra would take a different point of view. Much of what the Minister of Energy had to say seems to be contrary to the normal pattern of development of legislation of this nature. He again criticizes Vespra township. I do not understand why the whole government has to dump all over Vespra township. It is not that big. One or two of them could take on Vespra and perhaps do all right. I admit it could not just be the member for Wilson Heights. He would need a little help, but perhaps the Minister of Municipal Affairs and Housing, if he fulfilled his role, and the Solicitor General could. The three of them ought to be enough. They do not need to bring the Minister of Energy into this debate.

**Mr. Boudria:** They could form a triumvirate.

**Mr. Breagh:** That is true.

There are some difficulties. In reply to this letter, no one seems to explain this "greatest

common good" stuff. That remains an unexplained item. It almost has an aura that Big Brother, the province of Ontario, the Big Blue Machine, knows all and will tell us what we need to know at some time in the future, but for now we are to take it as we are told and that is it. There is no recourse to it at all save and except the debate as it goes through the clause-by-clause stage.

I want to put on the record a response from the Ministry of Education and the Ministry of Colleges and Universities because, as most members will know, the Minister of Education is one of my favourite ministers of the crown. One thing I like about her is that one never has to guess about where she is coming from. She is like a freight train. If you are standing on the tracks and you are smart, you will get the hell out of the way, but if you are dumb and stand there, you will be a small damp spot on the railroad track when she is finished.

She is abrupt and perhaps a little discourteous to some of the members from time to time, but I like her style. There is no beating around the bush with that minister. If she is going to dig her teeth into an issue, one knows why and her position is certainly clear. It is probably wrong, but it is clear. She really lets one know. She has two speeds: fast and overdrive.

**The Deputy Chairman:** The honourable member is speaking to Bill 142 at this point. I wish he would get on with the bill.

**Mr. Riddell:** When she meets a railway engine, one has to admire her courage but not her judgement.

**The Deputy Chairman:** That has nothing to do with what the bill is all about. The chair is exercising great patience.

9:10 p.m.

**Mr. Breaugh:** The reason I introduced the Minister of Education into this debate is that the Minister of Education on her own initiative has replied to Reeve Harry Adams. Although normally the Minister of Education and the Minister for Colleges and Universities would not appear on the surface of it to have a whole lot to do with Bill 142, lo and behold, she herself has taken the initiative.

Mr. Chairman, you may have the gall to question her right to intervene and to comment on this; I would not dare.

I want to get this on the record, too.

**Mr. Boudria:** Does she come from the small town of York Mills?

**Mr. Breaugh:** I do not think she ever came from a small anything.

**The Deputy Chairman:** The member is speaking on Bill 142, I think.

**Mr. Breaugh:** Yes, I will get right to it. I want to read this.

"Thank you for your letter of March 2, 1984, regarding the Barrie-Vespra annexation bill, Bill 142." There we are, right on the money.

"There would appear to be some misunderstanding regarding the reason for the government's proceeding with this legislation. As a government member, I should like to clarify our position.

"The reason for the legislation relates to long-standing government policies relating to the containment of urban uses in urban areas and is entirely consistent with the decisions of the OMB as far back as the 1950s on the annexation of urban fringe areas to the urban core."

**Mr. Wildman:** Why did they not go to the Ontario Municipal Board on this?

**Mr. Breaugh:** They did.

"The province is concerned about service costs being levied on urban centres by uncontrolled development beyond their borders."

**Mr. Charlton:** Does this not sound familiar?

**Mr. Breaugh:** Yes, it does. It has a familiar ring to it.

"Since Confederation the responsibility for municipal government has rested exclusively with the province."

**Mr. Boudria:** I seem to have heard that somewhere before.

**Mr. Breaugh:** "Within that 117 years, literally hundreds of urban rural adjustments have been made under authority of the Legislature either by order of the OMB or by a special act.

**Mr. Boudria:** Who wrote this?

**Mr. Breaugh:** "Many of these, such as Barrie-Vespra, have involved the annexation of land that was already urban, or about to become urban in nature." I will not bother to correct the grammatical errors and the punctuation errors that are in here because it is from the Minister of Colleges and Universities, and that is a kind of dangerous thing to do.

**Mr. Swart:** She probably wrote it herself then.

**Mr. Breaugh:** We will try to find out who did write it.

"Some of these adjustments proceeded with the agreement of the rural municipalities involved; others proceeded without their consent in



the interests of the greatest common good. Without this flexibility to manage growth, Ontario would have experienced unlimited urban sprawl.

"Annexation is not a new solution. What is new, unfortunately, is Vespra's refusal to negotiate in any forum, including the Legislature's standing committee on general government. The township either cannot or will not see the need for any adjustment. Its position throughout has been that it is unwilling to tolerate any interference in its affairs from a neighbouring municipality or from the province.

"To have heeded Vespra's brief and not acted would have been to deny provincial policy to pursue rational boundaries as conditions change. Even so, the minister and the government proceeded with the legislation with great reluctance." Again, I did not see it there either.

"The action of the province came after a task force report." I hope that is not the Simcoe-Georgian Bay Area Task Force report, which does not deal with Barrie-Vespra but deals with Georgian Bay development.

To continue:

"There have been several OMB hearings and court cases, the expenditure of \$1 million in public funds and some 10 years of deliberations. There are those who remain convinced that the question of urban-rural adjustment is a matter for the courts or quasi-judicial adjudication.

"The government's position, which is supported by the select committee of the Legislature on the OMB, 1972, is that the drawing of a municipal boundary is a political act and that local politicians should shape our communities. This is the thrust of the new act. Legislation remains a possibility, of course, but one which should be exercised only in the event of failure to find a solution at the local level."

**Mr. Charlton:** Does the member think it was the Minister of Energy or the Minister of Education who wrote that letter?

**Mr. Breagh:** That is a good question. There is some similarity, as the member has noticed, between two letters written by two entirely different ministers.

**Mr. Wildman:** Xerox must be doing well.

**Mr. Breagh:** It is possible the Minister of Energy and the Minister of Education and Colleges and Universities had exactly the same thoughts on the matter at exactly the same time. It is conceivable the Minister of Energy and the Minister of Education and College and Universities have identical thoughts on the matter. It is conceivable they have identical thought patterns

on the matter. It is conceivable they write in exactly the same way. All of that is possible.

I have to admit I find it a little unlikely. Their personalities appear to me to be a little different. The Minister of Education is quite calm, meek and mild, while the Minister of Energy gets hysterical in earnest and high.

**Mr. Wildman:** I think you have it backwards.

**Mr. Breagh:** Well, maybe. No, I would never call the Minister of Education hysterical.

But it is odd that both of these ministers saw fit in the first place to intervene in the dispute. It is important that they are there as members of the cabinet, responding to what is really a plea for help on the part of Vespra and the people who live there. That they chose to respond in identical ways is mysterious, I suppose. Perhaps one letter was circulated among all the ministries. Maybe by the time we pick up this debate again tomorrow afternoon we will have more letters from other ministries.

**The Deputy Chairman:** Can I draw the honourable member to a point of order and just see if there is any way we can begin going point by point through the bill? In the preliminary remarks made by the three parties we have had an opportunity for each of the three parties to comment. Will the member be leading on now to the wrapup of the preliminary remarks that were agreed to so we can proceed with the bill? Am I dreaming? Am I hoping for too much?

Interjection.

**The Deputy Chairman:** Order.

**Mr. Breagh:** The member for Wilson Heights keeps harassing me.

**The Deputy Chairman:** I know and I was going to call him to order, but I am trying to bring you to some order.

**Mr. Breagh:** I am trying to help you out. You are not dreaming in Technicolor at all, Mr. Chairman. I am moving into the meat of the remarks I have to make on this bill. I think that might mean we are just over the peak a little bit and we are heading towards the wrapup. Have patience and we will get you there.

**The Deputy Chairman:** I understand there is an agreement from all parties that you should have preliminary remarks like this.

**Mr. Wildman:** That is right.

**Mr. Breagh:** Yes, unanimous consent.

**The Deputy Chairman:** You are into your sixth hour.

**Mr. Rotenberg:** We voted for brief preliminary remarks. The member for Oshawa (Mr.

Breaugh) mentioned that at the beginning. He agreed to brief remarks.

**Mr. Breaugh:** I want to sell you a used car later on, too. Come and see me.

Interjection.

**Mr. Breaugh:** Just to conclude my remarks on this letter—

**Mr. Rotenberg:** You said at a quarter to six you were going to conclude.

**Mr. Breaugh:** Every time I say the word “conclude” the saliva flows down his jaw over there. It is disgusting. Use your tie and give it a little rub.

The Minister of Colleges and Universities has, as I know her, attempted to respond to this rural municipality, has attempted to provide her ministry with some input on the matter and has attempted to provide Vespra with a coherent reply. I find it unfortunate that it appears to be almost word for word the same as the reply given by the Minister of Energy. Since two ministers of the crown have taken the time to write this letter, I think it deserves a bit of a critique, so to speak, and I do have a couple of comments about it.

**Mr. Wildman:** This bill is the one that won J. Earl over.

Interjection.

**Mr. Breaugh:** You do not want to let that kind of secret out.

Interjection.

**Mr. Breaugh:** You see why it takes so long. I keep getting hassled and harassed.

**Mr. Rotenberg:** I left my seat for half an hour just to leave you alone, hoping you would wind up, but it did not help.

**The Deputy Chairman:** Order.

**Mr. Breaugh:** What do you want? Do you want a unanimous vote of confidence that you left your seat? We were all happy. We all smiled.

**Mr. Stokes:** Things were so peaceful in here.

**Mr. Breaugh:** Things were so peaceful in here. My speech was beginning to flow nicely.

The gist of the argument presented by both ministers is that there is some kind of government policy here about containment of urban uses in urban areas. One would have thought that if one were interested in the containment of urban uses, one would have said, I think logically, that one does not want to expand an urban area such as Barrie out to the next piece of urban development like the shopping centre. One would have tried to retain the city of Barrie inside the current boundaries of Barrie.

**9:20 p.m.**

That is the problem. This may appear to the Minister of Energy and the Minister of Education and Colleges and Universities to be some kind of containment exercise, when quite the opposite is true. If one looks at whatever map they are touting today as the map for the boundary changes, one sees, however they slice it up, Barrie is going to grow larger. Barrie is not going to be contained. Urban development is not going to be contained; it is going to be expanded. If the policy of the government is to contain urban development within urban areas, why is it expanding urban areas? It does not seem sensible. It seems incoherent.

In this letter, it says this is consistent with the Ontario Municipal Board's decisions. Yet I find the OMB has consistently ruled in favour of Vespra township. It says it goes as far back as the 1950s, on the annexation of urban fringe areas to the urban core. I am not sure Vespra township considers itself to be an urban fringe area; I thought it considered itself to be a rural township.

There are other things that need to be examined in this regard. The province is concerned about service costs being levied on urban centres by uncontrolled development beyond their borders. I want to point out that the aforementioned uncontrolled development here is one development controlled by Cadillac Fairview and represented by Fast Eddie Goodman himself.

That is hardly uncontrolled development. Surely it is controlled development—controlled right within the Tory party in Ontario. Everything is happening exactly as the Tory party in Ontario wants it to happen. It has happened because of the actions of their prime movers and shakers.

Fast Eddie got what he wanted; there is no question about that. The government's friends at Cadillac Fairview got what they wanted; there is no question about that. There is every bit of control by the Tories in Ontario on that Cadillac Fairview development. They are totally in control of it all. One might even say they are the only ones in control.

There are other points I think worth mentioning as we go through here. Perhaps unwittingly, the minister says Vespra refused to negotiate in any form. I do not believe this to be the case. Simply, I believe it is factually incorrect.

**Mr. Rotenberg:** They did. The member would not believe anything if it were right in front of him.



**Mr. Breagh:** It includes the standing committee on general government of this Legislature. When was there an opportunity to negotiate before the standing committee on general government? I sat through every session and there were some long evening sessions. I did not see one occasion when the chairman of the committee said: "Now it is time to negotiate. Let us call both parties in before the committee. Let us negotiate a solution."

I did not see any opportunity provided for that. I would like to know why two ministers of the crown are prepared to put in writing that Vespra refused to negotiate before the standing committee on general government when no opportunity was provided for Vespra, Barrie, Simcoe county or anybody else to negotiate.

**Mr. Rotenberg:** They were asked to come and negotiate. They said they would not.

**Mr. Breagh:** This is interesting. In his interjections tonight, the parliamentary assistant is giving us more information about secret events than we have heard of in the course of the whole committee proceedings on this bill. We are not aware that Vespra, Simcoe county or anybody else was invited to come before the standing committee on general government to negotiate their settlement to the solution.

**Mr. Rotenberg:** Not there. They were invited at the committee to come and negotiate elsewhere. The member was there.

**Mr. Breagh:** However, the letter from the minister says—

**Mr. Stokes:** On a point of order, Mr. Chairman: I have noticed on several occasions tonight that when the parliamentary assistant, the member for Wilson Heights, for whatever reason, chooses to interject—and we all do from time to time—the console operator turns on the microphone so he can pick up what is being said. It is not in keeping with the way in which we operate in this House. Perhaps you should check on that.

**The Deputy Chairman:** I would have to agree with the member for Lake Nipigon and make note of it. Not only that, I hope the member for Wilson Heights will stop interjecting.

**Mr. Rotenberg:** On a point of order, Mr. Chairman: I will agree that, for a change, the former Speaker, the member for Lake Nipigon, is right. I have no idea why my light was on.

**Mr. Stokes:** If the member agrees with me, I am going to review my position.

**Mr. Rotenberg:** He is absolutely right. If, as and when the member for Oshawa stops the filibuster, then we can get on with our business.

**The Deputy Chairman:** That was not much of a point of order.

**Mr. Breagh:** That is the way to put him down, Mr. Chairman. Sock it to him.

In letters from two ministers of the cabinet there is something that is factually incorrect—I believe that is the parliamentary way to express it—and that is that there is not just an inference but a direct statement which says, "What is new, unfortunately, is Vespra's refusal to negotiate in any forum, including the Legislature's standing committee on general government."

I was there every day that committee was in session. I saw no opportunity for Vespra or Barrie or the county of Simcoe to negotiate in front of the committee in that forum. I saw no invitation on the part of the parliamentary assistant, the minister, the Solicitor General or anyone else to create a situation where negotiations could proceed.

At the very best, what I might be able to recognize is that, almost as an aside, the parliamentary assistant said on occasion, "All they have to do is come on down and negotiate." In my parlance, that is like General Motors saying to the United Auto Workers, "All you have to do is come on down and we will negotiate."

**Mr. Stokes:** Sounds like The Price Is Right.

**Mr. Rotenberg:** You are not supposed to heckle, remember.

**Mr. Stokes:** I am just helping him.

**Mr. Rotenberg:** He does not need your help.

**Mr. Breagh:** I am under siege here. It is a bitter attack.

Interjection.

**Mr. Breagh:** Now I am under siege by the acting Chairman.

**Mr. Wildman:** It is nice to have you back.

**Mr. Breagh:** Now maybe we will get somewhere.

**Mr. Stokes:** Welcome back.

**The Acting Chairman (Mr. Cureatz):** What is the commercial? "I came back"?

**Mr. Breagh:** You are going to regret that.

I am somewhat disturbed that two ministers of the crown have put together in their response to Vespra township, something which I believe to be, in parliamentary terms, factually incorrect. There is a more accurate way to describe it, Mr. Chairman, but you will not allow me to say it. However, there was no opportunity before that committee for any of the three parties to negotiate on any of the conditions that were there. The

truth is, as the acting Chairman will know well, that in the parliamentary forum we have to deal with the legislation as it is presented to the parliament.

Interruption.

**Mr. Breagh:** It seems I am being given the water treatment. This must be the Premier's version of the water bomber in southern Ontario. I know the strategy. Forget it. It ain't going to work.

**Mr. Stokes:** It is too weak. Whatever it is being spiked with, it is not worth it.

**Mr. Breagh:** Now the holy water has arrived. Man, that's water.

**The Acting Chairman:** That is a different strategy.

**Mr. Breagh:** Man, that is all right.

**Mr. Stokes:** That is what Sir John A. Macdonald used to say.

**Mr. Breagh:** Mr. Chairman, this is awful. I want to point out that the one aspect of what both the ministers had to say I believe to be factually incorrect. There are opinions ventured in here. In the next line it says, "The township either cannot or will not see the need for any adjustment." That is the right of the township. There is nothing on the books that says the township has to agree with the government all the time. There is nothing on the books that says a township like Vespra has to do what the province wants it to do. I see it as quite to the contrary.

Since Ontario is the body that initiates legislation, I believe the province has its obligation right there to make sure there is a rationale provided. There are forums provided for negotiation. All that is the responsibility of the province. It is not the responsibility of Vespra township to plan and design Ontario. Nor is it an obligation on the part of Vespra to respond in a ready-aye-ready manner to whatever legislation the province might care to propose.

9:30 p.m.

I am not happy with the notion that both ministers in their letters said the position of the township of Vespra has been that it is unwilling to tolerate any interference in its affairs from a neighbouring municipality or from the province. I have to say that members of the committee dealt a great deal with people from Vespra township in the course of the committee hearings, and I would be reluctant to say I ever heard the township of Vespra talk about not tolerating any interference by anybody else.

It seemed to me they were a reasonable group of people who were simply stating their side of the argument, which I believe is fair game; they are allowed to do that. I think it is fair to categorize their response to the legislation as being one that was not happy. They did not like the legislation and they said so up front. They were not meek and mild about it, but neither were they obnoxious. To say they would not tolerate any interference in their affairs is a questionable statement for the ministers of the crown to make. I wonder if they would tolerate any interference in the operations of their ministries by other ministers.

For all the ministers involved there is an obligation to discharge their responsibilities, and for the council of the township of Vespra there is an obligation on its behalf to discharge its responsibilities and to represent its constituency. If that does not quite jibe with the plans of the Solicitor General, or if it does not quite match up with the legislated formula the government has presented in Bill 142, that is tough bananas.

Their job is different from my job, it is different from yours, Mr. Chairman, and it is certainly different from the job of any member of the cabinet. They are presenting a perspective that is unique to Vespra township. They are presenting a different perspective, and there is nothing wrong with that, in my view.

I want to reply briefly to a couple of other remarks that are included in here. The minister says: "To have heeded Vespra's brief and not acted would have been to deny provincial policy to pursue rational boundaries as conditions change." This one has me confused, and both ministers said it. I am not sure what brief from Vespra they are referring to. There have been several briefs put together by Vespra. I know the township council appeared before the committee and made its position known about the bill, but the statement is not clear. I would be interested in hearing from the Minister of Energy or the Minister of Education which of the briefs mentioned they are talking about here, because that certainly is not a clear and accurate way to proceed.

I would like to know the provincial policy that governs rational boundary changes as conditions change. I have been in municipal and provincial politics for a little better than a decade and I have never seen that laid out. I have seen all kinds of study papers and I have seen all kinds of positions put by various ministers of the crown, but I am not aware of any provincial policy in that regard.



I would be interested in seeing which little brochure or book has that all laid out. I am not sure the member for Carleton-Grenville (Mr. Sterling) is prepared to reveal that book yet. Maybe he is, but I have not seen it.

The implication is clear that somewhere there is written down a provincial policy to pursue rational boundaries as conditions change. I would be interested in seeing that. I would like to see a little flushing out of the guidelines, so to speak.

**Mr. Nixon:** Fleshing out.

**Mr. Breaugh:** No, not fleshing out. The member for Oriole (Mr. Williams) is not here tonight, but we cannot talk about that.

It says in here that the minister and the government proceeded with legislation with great reluctance. I was not aware of that either. I was not aware that the ministry had been considering legislation for some time. That is news to me. I am led to believe the participants were told about an hour before the legislation was introduced. Where is the reluctance here? When did that happen? How did that happen? I think we have a right to know if there was some process at work here we have not heard about yet. We do not know what the reluctance was. We do not know why they were reluctant, except perhaps to say at some time they would rather not legislate a solution.

Again both of them came down on the task force report, which to my knowledge does not exist, and the Ontario Municipal Board hearings, which to my knowledge ruled in favour of Vespra township as opposed to the province or Barrie. The court cases were aware of that. I am not aware of the total expenditure of the \$1 million in public funds and some 10 years of deliberations. I do not know where the \$1-million figure came from. I am aware that much of the litigation that was involved over a lengthy period of time probably was expensive, but it is odd that the exact cost of all these transactions and litigation would come to an exact \$1 million.

Four ministers of the crown have used that number: the Minister of Energy, the Minister of Education, the Solicitor General and the Minister of Municipal Affairs and Housing. They have all said there is a \$1-million expenditure without bothering to provide me or any other member of the Legislature with some accounting as to how they arrived at the \$1-million total. It is passing strange that they conveniently came up with this \$1 million, and no one has shown me the adding machine on which they arrived at that total. I find that strange as well.

Both ministers in their reply to Vespra township left a lot of questions unanswered. Much of what they had to say was probably written by someone else. I am sure both ministers wanted to reply to the township. I am sure the ministers wanted at some point to get their views on Bill 142 on the record for a variety of reasons.

As we mentioned earlier, perhaps it is because it has arrived here and deals with a part of rural Ontario dear to the hearts of many Tories. I am taken aback that ministers of the crown appear to be writing letters to municipalities and do not appear to be fully aware of all the facts in the situation. They appear to be putting forward to a rural municipality, opinions that are not based on fact and run contrary to what I know to be the facts and to facts presented before the general government committee.

It bothers me that people who are members of the cabinet and responsible to the Legislature seem to be operating in the dark. It leads me to believe that at least two, and maybe four, members of the cabinet do not appear to have a complete understanding and awareness of the history of this bill. Maybe they made a wrong decision when this bill went through cabinet. Maybe they did not know all the facts. Maybe someone sold them a wrong bill of goods. Maybe when this bill was presented to cabinet, the ministers in good faith made a wrong move. I would be prepared to say that is my version of what happened.

I do not get to sit behind the cabinet door, nor do I share in the political arguments that occur there, but they would not of their own volition put this kind of legislation in front of the House if they had thought through the situation. They would not have put in place a piece of legislation that more than 100 municipalities find so distasteful.

They would not of their own volition have done something that so grievously offended so many people, which caused them to come to Queen's Park and to public hearings in the Simcoe county building to say so, and to say nasty things about a Tory party I suspect many of them belong to. They are saying nasty things about a provincial government that I suspect many of them have worked very hard to get into public office and have managed to sustain for a number of years.

In many ways, there is a revolution brewing. There is something amiss in Tory Ontario that this bill has electrified. This bill has put the government of Ontario on notice that one cannot always stomp all over little people. Every once in



a while one does have to have a slightly more sensitive response to legislative requirements than this bill has. One does have to give an accounting of why one is proceeding in that manner. This government has not done that.

**9:40 p.m.**

In many respects, this bill does not fulfil the criteria for good legislation. There is a problem; there is no question about it. As we go back over the history of the area, we know there have been intermittent attempts to resolve the problem. We know this bill by its very nature is quite likely to get challenged in other places. The Canadian people have a Charter of Rights these days. As individuals, people are a little more aware the government cannot just trample all over everybody any more. Whether it is the Big Blue Machine in Ontario or whether it is a large municipality adjacent to a rural municipality, there are certain rights that others have. This bill does not take any of those rights into account.

Part of what we discussed during the course of the hearings, and we will discuss as we go through clause-by-clause debate, was simply that this legislation is unnecessary. If the world revolved around this Legislature, this legislation might resolve this long-standing problem, in some people's view. In my view, it is not going to do that. In my view, this legislation is going to aggravate and agitate and not resolve the problem.

This legislation is going to be the centre of a continuing challenge around the attitude and techniques used by Ontario in dealing with its rural municipalities. The old pot is clearly on the stove and is starting to boil. The government may have thought it would have no problem railroad-ing this legislation through the House. I hope members have in the back of their minds some redefined notion of how smoothly this railroad is going to run. Not too smoothly at all.

In December, this government introduced a piece of legislation and, had it got its way, it probably could have rolled through here in a couple of days, gone out to committee for a few days, taken a little waltz around the block, a little stamp of royal assent and away it would go. That is not going to happen. I think the government should be aware of that now. The government should now be aware there is no railroad running through here tonight. We may not have many tools with which we can defend or oppose pieces of legislation we think are right or wrong, but we do have a couple and we are going to exercise those.

The government of Ontario may eventually bring in the procedural affairs report. It may move the famed Rotenberg rule to see that votes are actually called when the government wants them called. That may happen. Even if all that happens, even if the opposition members totally collapse here—and I do not suspect for a moment that will be the case—I believe rural municipalities from one end of Ontario to the other are not just going to drop this matter. Through their municipal organizations, individually and collectively, they are going to proceed to point out to the government of Ontario that this bill is fundamentally flawed in nature and this bill is fundamentally wrong.

I suppose in the mind of the Solicitor General if we did not have to bother with the legislative process, this bill would resolve the problem and he would come out as some kind of local hero, as having resolved at least for the majority of the people in his constituency a bit of a problem. I would dare to say, though, that the majority of people in his constituency do not see this as being a major problem any more, if they ever did. I do not believe they did in the first place. I believe he is whistling up a tree here. I think he is going to regret that at some time.

In my heart of hearts, I know Vespra is unlikely to give up. Having carried on this battle for a long time, it seems to me it will—it has in the past and I would anticipate it will in the future—carefully consider some options about legal redress that may even take on the Ontario Legislature. I say, more power to them. That is probably not an easy thing to do. It is something that will probably lead them to more expense, although we do not really know how much more. It is an avenue that has not been completely shut down and one I would encourage them to explore.

I know there are different points of view on this. There are some who would cut and run and take the best deal possible. But there are others who would say: "Wait a minute. It is not right. No matter how awkward or difficult it might be to proceed, we are going to take a look at what our other options might be."

I believe they have some options. I believe the new Canadian Charter of Rights addresses itself to this type of issue. I believe, although it has not been tested and the precedents have not been set, that it is probably worth doing and worth seeking a landmark decision. Many major things have occurred in the history of this country through landmark decisions involving small rural municipalities that sat back and said: "The government,



provincial or federal, cannot do this to us. It is not right and we will not let it happen. We will fight back, we will go to court and see whether the legislation will stand up."

I believe the possibility of that happening to this legislation is pretty good. I believe there is an argument that anybody can muster around that, and I believe it probably should be done by Vespra, by the Association of Municipalities of Ontario or by some individual, which is another aspect of it.

Much has been centred around the debate by the council of Vespra. Those of us who sat through the hearings were impressed by the individual citizens of Vespra and by the citizens' groups from there. In my view, they did not just dig in their heels in blind opposition to something. They appeared before us with fairly thoughtful, rational arguments about why they were living in a place such as Vespra township, why it ought to remain the same, why certain annexed areas should not be joined to the city of Barrie and why there had been for a long time a lifestyle development, even a planning development, in terms of the provision of services, roads, schools and things of that nature that were suited to and suitable for that area.

I am sure many of the members of the Legislature were born in small towns and in rural areas of Ontario. We remember, and perhaps we do romanticize a bit, what it was like to grow up in small-town Ontario or rural Ontario. I think we remember enough of it to know that it is a worthwhile and a healthy background to come from. A worthwhile and healthy, in a funny, old-fashioned way, set of moralities evolved from life in rural Ontario and small-town Ontario. It is very basic to the tone and tenor of the province itself, and I think that is important.

I wanted to make these remarks and to point out that the opposition to the bill is very strong. The opposition still lives. There are occasions, as we go through it clause by clause, when I will want to point out that—

**The Deputy Chairman:** Are we going clause by clause now?

**Mr. Breagh:** I am getting near to the point, sir.

**The Deputy Chairman:** Is there anything I can do to help the honourable member?

**Mr. Breagh:** Yes. You can stop them from sending me glasses of water like the last load of dynamite that was sent over here. If any child were to get near that and start playing with matches, the whole Legislature would blow up. I

think it must be from the Hooker Chemicals site. It has a lot of chemicals floating around in it.

I simply want to wind down my remarks by saying that—

**Mr. Boudria:** What is the rush?

**Mr. Breagh:** There is a demand, I know.

I have tried to put on the record this evening a number of concerns I have about this bill and to say to members as sincerely as I can that this exercise has pointed out some flaws in the system. I dare say there are back-bench members on the government side and, indeed, perhaps even members of the cabinet, who would now like an opportunity to change their minds about this bill, because they recognize that what was proposed to them initially as something to clean up a local problem is not that at all.

**9:50 p.m.**

It goes far deeper than that. It is a problem for municipalities from one end of Ontario to the other. It points out to members that what can happen to Vespra township can happen to them. If they live near Ottawa, Kingston, Belleville, Windsor, Thunder Bay or any rural area that is adjacent to an urban area, this government may well take the same approach with them. If they do not toe the line, if they do not do what this government wants them to do, the government is not only likely to bring in legislation, but it also has a further precedent set right here in this Vespra bill. It has established the course it is going to proceed to legislate out of business any objections these rural municipalities might have. That is a wrong way to proceed.

I would not be an advocate of never providing an occasion when annexation could occur, but I thought last year we went to great pains to develop and put in place legislation which is essentially there to deal with boundary and annexation disputes. I read into the record this afternoon the comments of several people who are working with that legislation and attempting to say: "How can we continue to work with legislation covering boundary disputes when in another instance, in the instance of the township of Vespra, the government of Ontario said: 'Never mind the legislative approach to resolving a boundary dispute; put in place something that goes directly after a rural township adjacent to an urban one. Never mind that we have a process at work which is supposed to resolve this; set that aside and go directly into this kind of legislation'?" I believe that to be significantly wrong. It sets an unfortunate precedent for the government of Ontario in its dealings with smaller rural municipalities.



We have had an opportunity to make some opening remarks in this debate. When we get to third reading debate, if that occurs, I want to put a motion before the House that would give us a chance to have sober second thoughts about this. When we get to that stage of debate, I want to move what is traditionally called a hoist motion; that simply means the bill not be read then but be read six months hence. I believe that even members of the government party, either ordinary members or members of the cabinet, know deep down that is really what should happen; this bill should not have proceeded this far.

It might have been one thing for the province to put the legislation on its order paper and put everybody in the area on notice by saying: "Here is the kind of thing we might do. We are going to give you a year or two years to go off some place and resolve this long-standing dispute. If you do not do that, then you are going to be faced with this kind of legislated solution." It was mentioned on a number of occasions as we went through the public hearing stage that this would have been one way for the government to proceed.

The government probably should have done what I had inferred the Premier wanted done back in 1980 when he wrote to them. I thought the Premier wanted a settlement and he wanted a negotiated settlement. I would have assumed that all the fine staff people who are around here in the various ministries could have made that happen. For some reason, it did not happen. We do not know why.

We have never been given much of an accounting as to why the wishes of the Premier were ignored or not carried out by ministers of the crown and by civil servants. We have never had an explanation for that. I think we are due that. If and when we get to a debate on third reading and this little hoist motion is presented, frankly the government would be wise to back off on this.

I know the Chairman is anxious to get into clause-by-clause debate, but I do not think he should be so anxious. I want to point out that in my view, and in the view of a great many people inside the Legislature and in 103 rural municipalities, this is a wrong way to proceed. This is not a reasonable, cautious and careful process at work here. This is a dangerous kind of lurching about in the process.

**Mr. Boudria:** Could the member elaborate on that?

**Mr. Breaugh:** I will try.

The government of Ontario has put legislation in place and taken it through certain stages here; not only is it wrong but it is such an unfortunate way for it to proceed that it ought to call a halt to it. Perhaps the government of Ontario should not not even wait for me to move my little hoist motion. It should say to itself, "We are coming up now on a summer recess. It would be an appropriate time"—and it does not have to do very much, as a matter of fact—"to simply leave that one on the order paper. We know there is going to be considerable opposition to this bill."

The government should have got that message by now. It should know this debate is not over by a long shot. It has to be taken through committee clause by clause. It has to be given third reading. That will take some time. They are going to have to listen to a lot of things they do not want to listen to, but they are going to hear them.

I have not seen any closure motions coming from over there. I have not seen the Rotenberg rule dressed up and put on display. In the absence of that, I do not think it is any secret that they are going to listen to a substantial and somewhat lengthy debate on this bill. A portion of that has already occurred.

I think the government would be wise to say in hard, practical, political terms that this bill, as it is now written, is not going to take effect on July 1. I think they ought to recognize that by now. It is not going to happen, folks. No matter what the government does, unless it chooses to set aside all the other legislative concerns it has, it is not going to happen. I think there are enough people who feel strongly about the bill for this debate to proceed for some time.

For the life of me, I do not understand the urgency. Why must it happen on July 1 this year? I recall that when the government presented the bill in December—I do not know when it was written—it said the starting date would be January. We said that was not going to happen. The government said of course it was not going to happen, so we changed that around. The government was reasonably flexible on a few things as we went through the public hearings.

It seems to me it would be to the government's decided advantage to get flexible now on the future passage of this bill. It seems to me there would be great advantage in the government saying: "We have a problem but we have had the problem for a long time. We have had it for a decade. It is not going to kill anybody if it takes a little longer to resolve this." What is important is that the resolution be acceptable to the people



no are involved. Clearly, this bill is not acceptable.

I have said it before and I will say it again, I do not even think this bill in its current form, with the current set of circumstances, is or should be acceptable to people in the city of Barrie. I do not think it should be.

For example, the financial obligations on the part of the players ought to be nailed down prior to the passage of this legislation. I, for one, could have a slightly different perspective about it if the government could convince me that Chespra township had determined what its obligations were, what its needs were and that among Chespra, Barrie, the province and the county some general consensus was forming about the financial ramifications of it all.

I know differently. I know that has not happened. I know there has not even been much of an effort to try to make that happen. That is a shame, because to proceed with this legislation in its current form without at least some process at work, and there is no process at work, is dead wrong. For the life of me I do not understand why the government persists in saying, "We are just going to ramrod this thing through."

It is true the government has a majority over here. There is no arguing with that unfortunate reality of life. It is true that if it really wants to it can move motions of closure, or this, that and the other thing. It could probably make this thing a fiasco, but the government is going to have a tough time doing that by July 1.

That is going to cause several other ministers of the crown to set aside legislation they have said ought to be a priority and which I may think on personal terms has broader social implications than the resolution of this boundary dispute. I do not understand why the government is being so pigheaded as to persist with this.

**Mr. Boudria:** Is that parliamentary?

**Mr. Breagh:** I have not been given an explanation by any of the ministers and I find that a bit aggravating.

**Mr. Boudria:** What did the pigs do that you have against them in this debate?

10 p.m.

**Mr. Breagh:** That is not meant to be a slur on the pigs. What I find somewhat arrogant about this, to be precise, is that the ministers opposite know that the members on this side of the House are not happy with this bill to a pretty substantial degree. Neither of the ministers involved has even dignified to provide us with a rationale whereby he

feels he has to have this legislation by July 1 this year.

I do not think there is any rationale for it. I do not think there is a reason on God's green earth that this must happen by July 1 this year. I do not believe it is necessary. I do not believe the government needs this bill now. I do not believe anything bad will happen by simply leaving the bill in Orders and Notices and coming back to it in the fall, next year or in a couple of years.

As a matter of fact, it seems to me a fairly legitimate argument could be mustered around the point of view that we would like to have this matter resolved and the new boundaries in place, if there are to be new boundaries, for the next set of municipal elections. That is not a long way away, but it would allow whatever negotiations are needed to happen. It would allow the government to say, "If we cannot push this legislation through the House, maybe we should just let it alone."

What I am concerned about is that it strikes me there is a lot of macho foolishness about this, that someone feels his political career is hanging on the vine with Bill 142. I do not believe this should be the case. I believe the world would not fall apart and would not disintegrate totally if this bill did not proceed. I believe we could all forgive the parliamentary assistant, the Solicitor General and the Minister of Municipal Affairs and Housing. We could all say, "Here is a nihil obstat; you are forgiven, my son," and go home for the summer.

It would be about the most positive, straightforward, beneficial thing this Legislature could do, and I am at a loss to explain why we are not doing it. There is no good way to proceed with this that is not going to be seen by every municipal council in Ontario as being pigheaded, arbitrary and stupid in the extreme.

I do not think the government has even bothered to put on the record anywhere in the course of this debate anything other than that. The best we have received is a few smart-aleck remarks here and there from the member for Wilson Heights in his rather vain attempt to be humorous. We have not seen much attempt by any of the ministers of the crown even to address themselves to it. There has not even been a good fake effort put on by anybody in the course of the debate, and that is a shame.

Interjection.

**Mr. Breagh:** Just keep it secret, Norman. You do not want to spill the beans here.

No one has bothered even to come and do the decent thing. The decent thing, in my view,

would have been to have the Minister of Municipal Affairs and Housing appear before the committee and say, "I do not have the time to sit with you folks through all these committee deliberations, but I wanted to arrive here this morning and tell you the government of Ontario has decided to—"

**Mr. Piché:** You mean he should be here to listen to this? You've got to be kidding.

**Mr. Boudria:** You are right, René. You do not like him any more than we do.

**Mr. Charlton:** He is the one who caused this. Why should he not be here to hear it?

**Mr. Breagh:** The Minister of Municipal Affairs and Housing should have appeared before the committee and said: "Here is what we are trying to do, this is the nature of the problem and these are all the meetings we have scheduled over the years. Some were successful and some were not."

But it seems to me the reason he did not appear before the standing committee on general government is that he was not able to do so. He was not able to appear before that committee and say, "Here are all the things my ministry has done over the years to try to resolve this particular dispute." I think the reason he did not appear is that the record would have fallen flat on its face. There has not been a consistent effort on the part of the ministry to resolve this dispute at all, and he knows it. That is the bottom line of this dispute.

**Mr. Rotenberg:** That is totally untrue and you know it.

**Mr. Breagh:** The parliamentary assistant can whomp over there, he can shift around in his chair and he can say it is untrue, but he knows better than that.

**Mr. Rotenberg:** You are not right. You are still not telling the proper facts to this Legislature.

**The Deputy Chairman:** Order. Honourable member, this must be a point of order, I am sure.

**Mr. Rotenberg:** Mr. Chairman, on a point of order: The member for Oshawa is totally unfactual. The ministry has on many occasions attempted to have this matter resolved and to hold negotiations. The member for Oshawa knows that full well and is not giving the facts to this Legislature.

**The Deputy Chairman:** The honourable member is out of order. I also think the member for Oshawa is for another reason. When we are in

committee like this, we like to go through the bill section by section.

**Mr. Charlton:** You stand by all agreements first.

**The Deputy Chairman:** I know.

**Mr. Breagh:** I have listened to the member for Wilson Heights yap, yelp, squirm and squeeze around here. I still stick by the fact—

**Mr. Rotenberg:** The member for Oshawa is the one who is squirming and squeezing. He has been doing it for six hours.

**The Deputy Chairman:** Order.

**Mr. Breagh:** To my knowledge, the ministry would be unable to put in front of this House now, as it was unable to do during the hearings held by the committee and as it was unable to put in the compendium of the bill, anything that could even be construed as a good, clean fake at trying to resolve these negotiations.

**Mr. Rotenberg:** We did not do a fake. We gave the member the true facts. He is the only one who is faking.

**Mr. Breagh:** The member keeps yapping away and the invitation is to respond to him. I believe he has been given an unfortunate task here. He is trying to make a screwball plan look quasi-legitimate. He cannot do it and he knows it. The reason we are entertained with a little yelping banter back and forth is that he is feeling a little guilty about it. He knows he is trying to sell a piece of garbage here. He knows he is trying to sell an Edsel.

**Mr. Rotenberg:** Once in a while the member should try to get one or two facts straight.

**The Deputy Chairman:** The member for Wilson Heights is out of order and will control himself.

**Mr. Rotenberg:** Mr. Chairman, I apologize to you, sir. You are doing your best job. But when the member for Oshawa consistently and constantly says things that are not so and are totally unfactual, it is a little difficult to sit here and listen to that garbage coming from him.

**The Deputy Chairman:** Still, sit and listen.

**Mr. Breagh:** Garbage? I do not mean to be provoked.

**The Deputy Chairman:** Maybe you could wrap it up and we could get on with the rest of the bill.

**Mr. Breagh:** Mr. Chairman, there is something I would like to wrap up and it ain't the speech.



The member for Wilson Heights has intervened on several occasions now. He keeps tapping and yammering, but the truth is he cannot put on the table tonight the record of the government on this matter. He did not do it during the committee and he did not do it when he introduced the bill in the first place. The government's record on this matter stinks and he knows it. No matter how many times he yips and yaps about how wonderful things are—

**The Deputy Chairman:** Conclusion.

**Mr. Rotenberg:** When the member sits down, will put anything he wants on the table.

**The Deputy Chairman:** Order.

**Mr. Rotenberg:** On a point of order, Mr. Chairman: Despite the fact that the member is in order and can filibuster for days if he wishes, there is something in the rules that indicates members should not be repetitious. This is about the fourth or fifth time the member has attempted to make the same point, which is untrue. I think you should call him to order on repetition.

**The Deputy Chairman:** I do not think you can say what you just said.

**Mr. Rotenberg:** I am sorry. I withdraw the word "untrue." It was not factual.

**The Deputy Chairman:** Thank you.

**Mr. Breagh:** This is such a ferocious attack on a member.

**Mr. Rotenberg:** Poor baby.

**Mr. Breagh:** The last time I was attacked this badly, I think I was about 10 years old. Somebody's chihuahua chased me about three feet. I turned around and gave the chihuahua what the member for Wilson Heights is begging for this evening, a good kick where all his knowledge is located. It would be a good idea if the whip took him out of here. He is being a little bothersome. That is why the whip gets paid a monumental amount of money, to drag him out.

At any rate, I believe the government of Ontario is unwilling to put its record on the table in this regard. It has had ample opportunity. This is the compendium that accompanies every piece of legislation. Nowhere does it have in it the track record of Ontario. It does not give a listing of when they had meetings. Come to think of it, there is a lot of material here members might be interested in.

**Mr. Boudria:** Yes, we are. Brief us on some of it.

**Mr. Breagh:** Maybe I will get to it another day.

The government of Ontario never did make the effort the Premier said it was going to make. The government of Ontario never tried to do what the Minister of Energy said it wanted to do or what the Minister of Education said it wanted to do. The government never did get to the stage where it did much more than attempt to resolve this particular dispute by a token gesture. It never got past that stage. All of a sudden, after much stalling over many years—

**Hon. Mr. Sterling:** The member for Prescott-Russell (Mr. Boudria) asked him to elaborate and now he is leaving.

**Mr. Breagh:** Does the minister want me to ask the member for Wilson Heights to elaborate? I do not think the member for Wilson Heights knows how to do that. He has not been to school long enough to know how to do that.

**10:10 p.m.**

I believe the government is somewhat embarrassed by what has transpired around this piece of legislation and its history. I believe it is somewhat ashamed of its history of dealing with this problem unsuccessfully over a fair amount of time. It has gone through times when it thought it was really important and had to crank it up and get a solution out. Then it sat back on its oars for a while and did absolutely nothing.

Then last December some local emergency of some unstated nature must have occurred because all of a sudden, just as we were relatively ready to recess the Legislature for the winter session, the legislation appeared as kind of, "It must happen." I do not know what it was that generated the creation of this law. Apparently Vespra and Barrie knew about it at approximately the same time. There seems to be some disagreement about exactly when both parties were informed of the matter, but it was roughly at the same time.

Then we proceeded through this rather unusual charade of public hearings around a bill that frankly did not make much sense at the time. Having gone through the debate on second reading and through the public hearing stage, it still does not make sense to me. I do not know at this moment why the government wants this legislation. It appears to be an incoherent response to what it has perceived for some time to be a problem around Barrie and Vespra. The best I can make of it is an unfortunate mishmash of someone trying to show some initiative to do something but not being too sure what should be done. I wish I could identify who it is who took that initiative, but I cannot.

I have attempted to ascertain the role of the various ministers involved and I cannot. All I know is that when I read the Barrie papers, it is not the Minister of Municipal Affairs and Housing responding; it is the Solicitor General. When I sat through the hearings in committee, it was not the Minister of Municipal Affairs and Housing who responded; it was his parliamentary assistant.

I have never seen a piece of legislation flow through here, though we do many bills where there has been controversy develop and where the debate has been somewhat long and a little acrimonious around the edges, in which the minister did not at some point intervene and say, "Wait a minute, I want to get in here and set the record straight on the matter," or "I want to call in the opposition critics or people who are directly affected by this bill and straighten things out." Clearly, something has gone awry, something does not quite jibe.

This bill is not necessary now. We all know that. We all know there is no urgency to pass this bill by the end of this session. It was a simple enough matter to change the starting date of the bill in committee, and it could be changed again. It would probably be a very wise move indeed to set this bill down and to look at it again at another time in another place. We all know it would be a wise move to talk about a two-year or three-year cooling off period. It would be a wise move to simply not proceed with the bill.

No one knows why we are here tonight debating this bill that the government clearly does not need in order to fulfil the aims of its budget or new social programs it wants to get in place before the summer recess. We know it is not part and parcel of the new plan of the Treasurer (Mr. Grossman) for Ontario; it is not going to resolve unemployment in Barrie or Vespra or anywhere else. That is not the nature of the bill, so the government cannot plead urgency.

I have not even heard from the parliamentary assistant, who is now absent, not even from that low a source, that there is any urgency to proceed with the bill now. Even the Solicitor General, who is sprawled all over the aisle, has not bothered to put on the record what the urgency is. He is trying to read the standing orders, which will be a new treat for him; it might even do him some good.

**Mr. Laughren:** I think he is reading Crime and Punishment.

**Mr. Breagh:** I do not think he is reading anything that complicated.

No one has made an argument that this has to happen now, and I think the reason is just exactly that: no one can make that argument. There is no argument for saying we have to do this now. There is no urgency to it at all.

There is some sign language going on here in the Legislature tonight. I do not know how Hansard is going to record that sign language, but I think it is an unparliamentary sign. I do not know whether you can make a ruling on that, Mr. Chairman, but at some point you probably should.

**Mr. Wildman:** The Prime Minister has set a precedent for it.

**Mr. Breagh:** Oh, the Prime Minister of Canada uses that sign.

Interjection.

**Mr. Breagh:** Is he getting ready for the Liberal leadership this weekend? Toning up on Liberalese? I do not know how to do that kind of sign.

At any rate, it has been an interesting exercise as we go through all the ramifications of this bill. It has been interesting to see that what appeared at first blush to be a simple little boundary dispute is much more than that. The players around Ontario know that and have voiced their opinion on that matter. They have picked up on a number of aspects of this legislation which has ramifications for people other than—

**Mr. Piché:** Mr. Chairman, will you ask him to conclude? This is getting ridiculous. You have the power. You are in the opposition. You can do a few things. Tell him to conclude.

**The Acting Chairman (Mr. Eakins):** The member will please carry on.

**Mr. Breagh:** It is nice to see the chair represents the rights of all members on freedom of speech and does not succumb to the threats of the member for Cochrane North (Mr. Piché). That is refreshing. Now, if the threat came from the member for Mississauga East (Mr. Gregory), I would say we had better be careful. That guy is mean.

**Hon. Mr. Gregory:** The member is getting boring.

**Mr. Breagh:** At least I am only getting boring; the member for Mississauga East has been boring since birth.

**Hon. Mr. Gregory:** I do not believe that. I cannot believe the member said that.

**Mr. Robinson:** The member for Mississauga East was not boring at birth.



**Mr. Breagh:** He was not boring at birth? When did it happen?

**The Acting Chairman:** The member will confine his remarks to the bill.

**Mr. Piché:** The member has not done that for the last three or four hours.

**Mr. Breagh:** I am just trying to match the minister for mediocre speeches. Why does he not get his staff to write something and maybe he could try to read it again tonight?

**Mr. Piché:** The member talks and says nothing. This is an abuse of the legislative privilege.

**Mr. Breagh:** The member for Cochrane North is being downright abusive here.

**The Acting Chairman:** Order.

**Mr. Breagh:** There seems to be total confusion in the government back benches as we wind down this evening.

What I want to say is very simply that it is an interesting exercise when people become aware of their rights; but, more than that, rural municipalities in Ontario have done this Legislature a great service. They have pointed out, intentionally or otherwise, that the government of Ontario is establishing a most unfortunate precedent.

For years, we have gone by a variety of techniques for resolving disputes like this, utilizing things such as the Ontario Municipal Board and the courts themselves to design new legislation to deal with boundary disputes. Yet, in the final analysis, in this bill, the government of Ontario sets aside all those considerations.

It is almost as if the government has decided that in this instance, in this one case, the government of Ontario does not care about law and order in Ontario. It does not want to obey its own laws; it does not want due process to take place here. It is almost as if it has said in Bill 142 it does not care what the law says. It does not care what the practice has been in municipal governments. It does not care what the courts have to say. It does not care about the legal rights of either Vespra or Barrie or anybody else for that matter.

**Mr. Charlton:** Does that mean the Solicitor General is a vigilante?

10:20 p.m.

**Mr. Breagh:** It makes the Solicitor General virtually a vigilante, because it says, Solicitor General or not, whenever he decides the current laws are not operating the way he personally likes them, he will change them.

It would have been more straightforward if we had said, "Here is a bill whereby the local member takes the bull by the horns and straightens out a local problem on his terms." I do not think that will happen. In my view this bill is not going to resolve anybody's problems. All it will do is create new problems for people in Barrie and Vespra, and create an unfortunate precedent other municipalities across Ontario are now aware of.

I do not believe the government will shut up rural or urban municipalities by threatening them or writing them a letter that does not give them much of an answer but which says, "We are doing this for the good of the people." They know better than that. They are people who practice the arts and skills of politics; they can smell it when they see it, so to speak.

Interjection.

**Mr. Breagh:** I cannot fill in all the blanks. It would be unparliamentary.

They know if this government had a track record on this matter that it was not ashamed of, it would be trotting that out day by day, ad nauseam. If in the last 10 years the government of Ontario had done what it should have done, it would be flooding this Legislature with descriptions of all the wonderful meetings that happened, of all the civil servants who tried to resolve the dispute and of all the proposals made.

In our own legislative offices the government pours out tons of paper every day on anything one cares to name. If it has done anything to attempt to resolve a problem, to hold a conference on an issue, to suggest new ideas or to propose draft legislation—anything, anywhere—this government tells people about it. My office is overflowing with papers about things it has done on a variety of topics.

To get back to the basic question of whether this government in the course of the last decade has attempted to intervene in a meaningful way to negotiate a just and fair solution to the problems between Barrie and Vespra, if it had a track record it was not ashamed of it would be in our hands tonight. We do not have it. It would have been in this compendium on day one when the bill was introduced. The members know that.

If the government had a record it was not ashamed of, it would dress it up, put frills around the edges, call it part of the bicentennial project and hire a couple of consultants. It would be bound with beautifully coloured pictures of the Premier on one end and the Minister of Municipal Affairs and Housing on the other. They would have had it in our hot little hands

long ago. The government did not do that. In the course of this debate, we have never yet been given the rationale for the bill. That is a shame.

When we deal with the clause-by-clause debate on the bill, we will see it is sadly lacking in content. No attempt was made to get consensus. When the committee went through its deliberations on amendments to the bill in committee, there was not much of a good fake at presenting to the committee an attempt to get consensus. There was an attempt in that portion of the debate to clean it up so it did not look so silly. There were some amendments. We tried in two days of debate to make sure there was not too much silliness presented to the Legislature in the redrafting of Bill 142.

We acknowledge there were some problems that did not get resolved, such as problems of a definition of exactly where the boundary is. I suppose a lay person might have thought that of all things, in a bill that is about a boundary dispute, a government would be meticulous about drafting an exact statement, an exact definition, of where the boundary is. It was to our dismay as we went through the committee that we discovered that had not been done. In fact, a rough guess was presented to the committee. It appears that rough guess was subsequently adjusted by the minister on his own, even though the committee had a whack at that on a previous occasion. It appears it may be adjusted again, even at this late date.

Inconceivable as it might seem to outsiders, here we are dealing with an annexation bill, a boundary bill, and at the time of presenting the legislation, the government did not have a good handle on where that boundary would be. Inconceivable as it might seem to an outsider, this government had not gone through an exhaustive process of consultation and negotiation with either one or both of these municipalities.

One would be able to justify, for example, a legislated solution to something like that if we use the parallel of labour legislation here. We will occasionally get a situation in labour negotiations where it seems that despite the best efforts of both parties to bargain and perhaps the efforts of a mediator and maybe even the efforts of an arbitrator, they cannot come to a solution. Then one might point to all the things one had tried to do and simply say: "We have tried to do all of those things. We have not been able to get a negotiated settlement to this dispute, so we have

to go to something that of its nature is arbitrary and unfair. There is no other way to proceed and we must proceed."

In my mind, that argument does not apply to Bill 142. The background work has not been done. The government cannot make a believable argument that all other avenues have been explored and exhausted. That is not possible with this bill. It cannot make the argument that there is an urgency about resolving this dispute. I know of no such argument. I have dealt with this bill for a little over six months and no one has made an argument that there is an urgency about it. No one made it in committee. No one made it here. No one made it up in Simcoe county.

I do not know where the impetus is for carrying on this debate. Whether the implementation date is July 1, or next January or the following July, appears to me not to be of major consequence. After all, the starting date was changed in committee from January to July almost on a whim. So there appears not to be a rational argument for keeping the bill in its present form. There appears to me, as one member of the Legislature, not to be a rational argument for proceeding with this legislation at all.

In the last press report I read, the consensus from the administration in Barrie is that there are not going to be any new services in Vespra. The lifestyle is not going to change. Not much is going to happen except that an assessment change will occur.

When we get right down to it, this whole legislation hinges on that assessment. This whole legislation hinges on money going to the city of Barrie, in this instance, and being taken away from the township of Vespra. That is what it is all about. If that is the case, would it not have been a nice bicentennial project to go up there and give Barrie a cheque for something. Give them X number of dollars. Tell them we appreciate that they can use the money like—

**Ms. Copps:** For the local member's resignation.

**Mr. Breaugh:** Sure.

**The Deputy Chairman:** Time.

**Mr. Breaugh:** Mr. Chairman, if you would like, I could sit down and conclude my remarks at a later date.

On motion by Hon. Mr. Gregory, the committee of the whole House reported progress.

The House adjourned at 10:30 p.m.



CONTENTS

Monday, June 11, 1984

Committee of the whole House

Marrie-Vespra Annexation Act, Bill 142, Mr. Bennett, Mr. Breaugh, adjourned. . . . . 2381

Other business

Adjournment. . . . . 2408

SPEAKERS IN THIS ISSUE

- Ashe, Hon. G. L., Minister of Government Services (Durham West PC)
- Boudria, D. (Prescott-Russell L)
- Breaugh, M. J. (Oshawa NDP)
- Charlton, B. A. (Hamilton Mountain NDP)
- Coopps, S. M. (Hamilton Centre L)
- Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)
- Cureatz, S. L., Acting Chairman (Durham East PC)
- Edwards, J. F., Acting Chairman (Victoria-Haliburton L)
- Gregory, Hon. M. E. C., Minister of Revenue (Mississauga East PC)
- Hynes, T., Deputy Speaker and Chairman (Mississauga North PC)
- Lalor, R. F. (Brant-Oxford-Norfolk L)
- McNeil, H. P. (Quinte L)
- Miché, R. L. (Cochrane North PC)
- Robinson, A. M. (Scarborough-Ellesmere PC)
- Schrotenberg, D. (Wilson Heights PC)
- Terling, Hon. N. W., Provincial Secretary for Resources Development (Carleton-Grenville PC)
- Troakes, J. E. (Lake Nipigon NDP)
- Wildman, B. (Algoma NDP)







No. 69

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Tuesday, June 12, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, June 12, 1984

The House met at 2 p.m.

Prayers.

## DEATH OF BILL MAHONEY

**Mr. Rae:** Mr. Speaker, on a point of order: It is with a sense of sadness that I rise in my place today to inform the Legislature of the passing of one of Ontario's leading trade unionists, someone who made an enormous contribution to the labour movement and, indeed, to the people of this province and of Canada. I heard this morning from the United Steelworkers that Mr. Bill Mahoney, a former national director of the Steelworkers, passed away last night.

Bill Mahoney made an enormous contribution to the people of his native community, Sault Ste. Marie. He was the first president of the Algoma Steelworkers and led the Algoma local into the United Steelworkers in the early 1940s. Mr. Mahoney went on in the early 1950s to become the national director of the United Steelworkers and in that capacity he served not only the people of this province but also the people of Canada, both at home and overseas, in a way that I think is worthy of the appreciation of all members of the Legislature.

To know Bill Mahoney was to know a great fighter, somebody who believed very deeply not only in the cause of trade unionism but also in progressive causes generally. I am sure the Minister of Labour (Mr. Ramsay) will know it was Mr. Mahoney's drive that led to the creation of the medical clinic in Sault Ste. Marie, contrary to the organized wishes of many people in the medical profession but certainly in the interests of the people in the Sault.

He was a fighter for medicare, a fighter for the trade union movement, and I think if anybody can be said to have given the Canadian Steelworkers a distinctive voice internationally and at home in Ontario and Canada, it was Bill Mahoney. Together with his friend and occasional rival Larry Sefton, he really put industrial unionism on the map in the steelworking industry, in the mines and right across this province.

I am looking at the Minister of Community and Social Services (Mr. Drea). He and I do not have very much in common, but one thing we do have

in common is that we were both hired by Bill Mahoney at one time to work for this great organization.

It is with a real sense of personal regret that I pass on to Mrs. Mahoney and the Mahoney children the sense of sadness felt in our party that such a great fighter is no longer with us. I would simply like to bring this to the attention of the House.

**Hon. Mr. Ramsay:** Mr. Speaker, I would like to rise to join in the comments that have been made by the leader of the third party. However, I rise not as the Minister of Labour but as the representative from Sault Ste. Marie and, most important, as an old and good friend of Bill Mahoney. It was Bill's son, Steven, who called my office this morning to tell me the news. He did so on the basis of our friendship, not on the basis of my position as Minister of Labour.

I feel a little uneasy now. Bill Mahoney invited me to his house for lunch about three or four months ago. I went up one day and had a delightful time. When I left, I said, "Bill, lunch is on me next time and I will call you." I have not called him back and I feel very badly about that.

The leader of the third party very correctly identified the contributions Mr. Mahoney has made, not only to the trade union movement but also in the field of health care. He certainly was the driving force behind our medical clinic, along with John Barker, who was a representative for the United Steelworkers. Those two, above all others, deserve the credit for that clinic which has become such an important part of health care in our community.

I am pleased to advise they held a 20th anniversary of that clinic less than a year ago. After quite a long illness, Bill Mahoney was able to attend and had an opportunity to meet and greet a lot of his old friends and acquaintances. I rise today on a personal basis to pay tribute to an old friend and one of our country's truly outstanding citizens.

**Ms. Copps:** Mr. Speaker, I rise to associate myself and my party with the remarks which have been made by a friend in the person of the Minister of Labour as well as those of the leader of the New Democratic Party (Mr. Rae). Having had a personal opportunity to visit the clinic

which was set up by Bill Mahoney and by the fine work of the Steelworkers in that area, it seems to me the Legislature, as a gesture to this fine man, could do well to use the capitation clinic system which was begun in Sault Ste. Marie as a model for clinics across Ontario.

We know the minister has some commitment in this regard. We know Bill Mahoney believed in it enough to make sure it became a reality in his community. We would hope the work he did in setting up that clinic would not be lost upon the people of Ontario and that we see more clinics across Ontario like the fine clinic he helped to establish in Sault Ste. Marie.

My party and I join in expressing our regrets to his family and also to say that his work will not be forgotten. He will remain in the memory of many people, not only in the labour movement but also outside, who look to the work of the Steelworkers in the Sault Ste. Marie area with some pride.

**2:10 p.m.**

**Hon. Mr. Drea:** Mr. Speaker, it was my privilege to be associated with Mr. Mahoney for a number of years. I think it is very important in 1984 that some of the contributions of Mr. Mahoney which were perhaps not as visible as the ones mentioned by the leader of the third party or by the member for Hamilton Centre (Ms. Copps), be recalled by this Legislature.

It was Mr. Mahoney who, by his own personal initiative, by his personal example and by the very wide respect he had in the community, did probably more than anybody else in post-war Canada to make organized labour respectable. This was at a time when it was struggling for existence. It was Mr. Mahoney who pioneered the tradition of labour representatives on public bodies, particularly universities. He was the first labour leader to be named a member of a board of a university. That was quite a remarkable thing, even as late as two decades ago.

Mr. Mahoney was also someone who was very interested in the economics of industrial unionism that went beyond the plant gate. Those were the fringe benefits, which he maintained were far more important to families than the hourly rate perhaps ever would be.

It was not just the question of financing medical care or the very significant breakthrough that happened with the Sault Ste. Marie health clinic with himself and his lifetime friend, Mr. Barker, it was a myriad of social benefits that by today's standards may be taken for granted but in the late 1950s, 1960s and into the early 1970s were regarded as somewhat radical.

He was also a devoted family man and a man whose personal integrity was so substantial that at the time there were a great many scandals in organized labour in the United States and some parts of Canada, the consensus in Ontario was that it could not happen here because Bill Mahoney would not let it happen. In terms of very simple and fundamental social justice, the fact this was said about him may be the most significant thing of all.

His contributions at a crucial time to the people of this province, to Canada and to the United States, through the world trade union movement were very substantial and will be remembered in a great many households for many years to come.

#### ANNUAL REPORT, COMMISSION ON ELECTION CONTRIBUTIONS AND EXPENSES

**Mr. Speaker:** I beg to inform the House I have today laid upon the table the ninth annual report of the Commission on Election Contributions and Expenses for the year 1983.

#### STATEMENTS BY THE MINISTRY ROMAN CATHOLIC SECONDARY SCHOOLS

**Hon. Mr. Davis:** Mr. Speaker, I wish to inform members of the Legislature that the government has undertaken a careful and fresh review of the outstanding issues surrounding public support for the Roman Catholic school system, and this afternoon I wish to outline a new course we have decided to pursue.

As colleagues on both sides of the Legislature will appreciate, this has been a subject of long and heartfelt controversy in the development of our province, ever since we assumed the burdens and choices that go with responsible government in 1842.

In an open and dynamic society such as ours, basic issues are not resolved or sincere differences settled in silence. However, we have managed to grow together because we have respected each other and from time to time we have reconciled long-standing differences and then moved forward. Progress is made not by opening old wounds but by healing old grievances. In that spirit, I believe we have an opportunity now to put one of these difficult issues behind us as we seek to continue the progressive and harmonious development of our province.

The architects of Confederation, John A. Macdonald and George Brown, were Protestants who preferred the development of a nonsectarian educational system. However, in order to secure



their national vision, they accepted and advocated the protection of denominational "common" schools in the British North America Act.

All Ontario provincial governments since that time have interpreted the "common" schools of that day as the elementary system. Consequently, dual elementary Roman Catholic and public education systems have been maintained and equitably funded across this province.

Historically, it has been possible for elementary schools to continue through to the 10th grade and, in recent years, many Roman Catholic school boards have organized their programs with public support to enrol pupils at the grades 9 and 10 level. In keeping with the understood interpretation of the Canadian Constitution, secondary Roman Catholic schools have not been provided public funds beyond grade 10. Roman Catholic families have seen and continue to see such a limitation on public funds beyond this level as arbitrary and inequitable.

In considering at this time whether the government of Ontario should extend financial support to secondary Roman Catholic schools, as has been requested by the Roman Catholic community for over half a century, we have been guided in our deliberations by three fundamental principles, all of which must be respected in the resolution of this matter.

First, we must not only respond to the claims of the moment, but we must also work to honour those contracts and obligations that were struck to create a united Canada in 1867. Second, we must not undertake a course of action that by its nature or in its execution would cripple or limit the viability of our nondenominational public secondary school system, which is accessible to all and universally supported and which will always remain the cornerstone of our education system. Third, we are not mere hostages to old arrangements, so we have a contemporary responsibility to be sure our answer on this question strengthens rather than fragments the social fabric of this province.

While men and women of courage and conviction have been divided on this issue, up to now no Ontario government has felt it was able to discharge its duty according to these fundamental principles while at the same time granting public funds to a complete Roman Catholic secondary school system. I now believe this can be responsibly undertaken and, therefore, it is our obligation to resolve the issue.

This new direction is not compelled by or founded upon a reinterpretation of old statutes or jurisprudence. The letter of the old law cannot

substitute for common sense. Further, we must all appreciate that historic benefits must keep pace with changing conditions. Roman Catholic families do not object to paying their share of the cost of an extensive universal nondenominational educational system; however, they cannot at the same time accept a logic that argues their taxes should be up to date but their historic benefits should be locked in.

Since the beginning of our parliamentary democracy, freedom and therefore diversity and pluralism have been fundamental values. Our public school system has always been fundamentally important and our commitment in this regard must not be diminished. The strength of Ontario's educational heritage rests in the general merit and the value of a universally accessible, publicly supported school system. Experience has now taught us, however, that a limitation on public funding which confines it to the public secondary school system is no longer required to sustain the viability of public education in our province.

Implementing a dual secondary system will necessitate wise administration, which I will address in a moment. Yet I am confident our secondary system, in which we can all take considerable pride, will not be jeopardized. For some time, a third of the students in our dual elementary school system have been enrolled in our Roman Catholic schools. Through the administration of core curriculum and proper funding, our public elementary school system certainly has remained viable and, indeed, second to none.

With more stable enrolments at this time, along with appropriate funding, core curriculum changes and soon province-wide testing, there is no reason to believe our public secondary school system will perform any less effectively in the future.

**2:20 p.m.**

Members should be aware of the fact that to protect our public education system, while assuming some costs which are now carried privately by Roman Catholic families, will require additional public funding. While some of this can be accomplished through appropriate redistribution, our ultimate objective will remain one of providing high-quality education at the lowest possible cost to the taxpayers.

In practical terms I do not believe we could or should create a separate public system for a small segment of our community that wishes to isolate itself, but we are addressing today the aspirations of a good third of our families, who have



demonstrated their competence and determination to provide contemporary education for their children.

Above all, I wish to address a concern I have always held and which has been honourably put forward by many others. In all our endeavours we must seek to build fellowship and common values, not segregation and mutual suspicion; but dualism today surely does not mean upholding, advancing or legitimizing the ancient idea of a separate Protestant Ontario and a separate Roman Catholic Ontario.

Clearly, our Roman Catholic citizens want to maintain their own school system for their children, but our community is not, as tragically some other parts of the world still are, divided on religious grounds. Roman Catholics, regardless of their educational backgrounds, work equally within our society and are every bit as ambitious to share fully in the life and progress of Ontario.

If we are to serve the spirit and the realities of 1867, we should acknowledge that basic education was what was recognized then and that today basic education requires a secondary, as well as an elementary, education. As the nondemoninational system has evolved to meet society's needs, so too has the Roman Catholic school system.

The extension of financing to separate school grades 9 and 10 demonstrates that financial and operational arrangements can evolve over time and honour the intentions of the original constitution. If we work co-operatively and prudently, we can complete this task without compromising the quality of our public schools, while demonstrating the essential justice and good faith of our society.

It is, therefore, the government's intention to permit the Roman Catholic school boards to establish a full range of elementary and secondary education and, as a part of the public system, to be funded accordingly. This new program will be introduced at the rate of one year of secondary education for each school year, beginning September 1, 1985. This process will be accomplished in much the same way we are implementing the new special education provisions and will parallel the revised secondary school structure. Some flexibility will be included to allow for a phase-in period that is in keeping with the capacity of the individual board in question.

Our first step will be to set up a planning and implementation commission to guide and advise all parties on the implementation of this change. It will receive and adjudicate the plans submitted by the Roman Catholic school boards. It will

advise the government on required changes in the Education Act and, most important, it will conduct arbitrations that may well be required in some instances arising out of the sharing or the transfer of schools and school locations, as well as other matters related to the transition.

This commission will be vital to the effective execution of this program and will be made up of representatives of the Ministry of Education, the educational community at large and the Roman Catholic community.

It is not the expectation of the government, and I trust the separate school systems across Ontario will recognize this clearly, to expend large sums on new capital grants to accommodate demands for new secondary school facilities. Rather, the commission will ensure that our abundant existing capital stock is effectively employed to provide a full range of programs. I underline this point because I think it is very important. As my predecessor, John Robarts, indicated, a duplication of facilities caused by such a policy would be impractical and indefensible. The first planning task is to make maximum use of existing school plants.

Equally, we must consider the interests of our secondary school teachers. It has been a long-established practice for elementary Roman Catholic school boards to have Roman Catholics constitute the large majority of the teachers they employ. In the light of declining enrolments in our secondary system, it would be unacceptable and unfair to extend this practice to the new Roman Catholic secondary school system. Consequently, for a period of 10 years, Roman Catholic school boards will employ non-Catholic teachers in their secondary schools who, once hired, will be permitted to earn tenure—the proper word would be “seniority”—religion notwithstanding.

The planning and implementation commission will work with the Ontario Teachers' Federation, the Education Relations Commission and others to assure that all teacher personnel matters are addressed in an equitable fashion. Further, while the essence of this new policy is to enrich the education resources available to Roman Catholic families in Ontario, it is my hope the new Roman Catholic school boards will consider granting to all students and their families in the most positive way universal access to publicly supported Roman Catholic schools, should such access be desired, limited only by the availability of space and the designation of assessment support.

I should also like to take this opportunity to state that it is still the wish of the government,



pending the response to questions now before the courts, to create within certain boards of education panels of trustees elected by Franco-Ontarian electors who will have defined powers governing classes in schools where French is the language of instruction.

While my hope today is to resolve a historic issue in our traditional public education structure, what we have decided to do legitimately raises questions about the place of independent schools in our province. While rights are not at issue, the diversity and quality of our society are affected and served by these schools. The government believes it is timely and useful to review the role of these schools in educating our children. Thus, a commission of inquiry will be established by the Ministry of Education, first, to document and comment on the role of independent schools; second, to assess whether public funding and its attendant obligations would be desirable and could be compatible with the nature of their independence; and, third, to identify possible alternative forms of governance for these schools and make recommendations for changes deemed to be appropriate.

Finally, I would like to take this opportunity to address briefly our responsibility in funding education generally. The current formula for calculating general legislative grants has been in place since 1969. There is also the public concern about the costs of education and the ability of our school boards to contain such costs.

Given these considerations, along with the statement of policy I referred to at the beginning of my statement, the government intends to set up a commission to inquire into the financing of elementary and secondary education in Ontario. This examination is appropriate in order to ensure efficiency, economy, effectiveness and equity. It is also timely as the province moves to extend support for the Roman Catholic school system.

Both the commission on independent schools and the commission on the financing of elementary and secondary education will report in May 1985, and responses to their recommendations will be concluded by January 1986.

Before I close, may I return for a moment to the basic decision upon which we seek the understanding and acceptance of the community at large—the extension of public funding for our Roman Catholic secondary school system. Of course, there will be difficulties and, clearly, as with all changes in the order of things, some advantages that may seem to be found in the status quo will be given up in securing new

benefits. I am convinced, however, that our secure and vibrant school system is not threatened and the majority of our citizens who support our nonsectarian school system will not be hurt.

As Sir John A. Macdonald explained the accommodations of his time to the majority over a century ago: “We do not want to stand on the extreme limits of our rights. We are ready to give and take. We can afford to be just, we can afford to be generous, because we are strong.”

It is neither my hope nor my expectation to settle all differences today. No one enjoys the last word in any democracy. However, as has been the case in nation building and constitutional reform, it is my strong conviction that the path we have chosen is worthy of broad agreement and will serve our common interests.

It is time to put behind us any lingering doubts about our regard for one another and to rededicate ourselves to the bright hopes of our future.

**2:30 p.m.**

**Mr. Rae:** Mr. Speaker, on a point of order: In the light of the historic statement the Premier has just made, I wonder if it would be appropriate for the leaders of other parties to be allowed to respond to a statement I think is one that does a great deal to unite this province. It is certainly one I would like to respond to on behalf of my party.

**Mr. Speaker:** I ask the direction of the House.

**Hon. Mr. Davis:** Mr. Speaker, can I suggest, because I go back in history a little, that there have been three occasions in my time as a member of the House when statements were made by the then Premier, at which time the leaders of the opposition parties made some observations. I appreciate the suggestion from the member for York South.

I recall it at the time Mr. Frost made certain observations and I recall it at the introduction of the foundation tax plan when Mr. Wintermeyer—I think I am correct in this and the member for Brant-Oxford-Norfolk (Mr. Nixon) can correct me—and the then leader of the New Democratic Party made certain observations. On an issue of this nature, I would have no objection to accepting that as precedent.

**Mr. Peterson:** Mr. Speaker, this is indeed a historic day and I think all members of this Legislature recognize it as such.

When the Premier's assistant phoned my office at roughly one minute to two this afternoon to say there would be a major announcement, knowing the Premier as we do I must confess we



thought it would be about the dome and not about so significant an issue in the history of this province.

We unreservedly support this statement. I am sure the Premier is aware of that. With the Premier's strong sense of history, which he revealed today in his statement, and his acute memory for what has transpired in this province, I am sure he would be the first to stand with me in applauding the member for Brant-Oxford-Norfolk for the strong stand he took on this issue when he was the leader of the Liberal Party.

It is no secret that in the history of this province many people have given blood—some real and some symbolic—over this issue. On behalf of my party, I am proud today to identify myself and my colleagues with the statement of the Premier on this major advance in position. I am not one of those who is going to ask why. I am only going to say “hurrah.” It is long overdue. It has been too divisive an issue for too many years in the past.

I take this occasion to celebrate the road-to-Damascus conversion of the government on this issue. We are committed to trying to work with the government in any way we can to bring forward a successful, speedy and easy facilitation of these policies. We will work through a select committee, if that is one of the ways chosen. We will use our good offices to make sure these historical injustices are rectified as quickly and expeditiously as possible.

**Mr. Rae:** Mr. Speaker, few issues in our public life are as difficult or as divisive as issues surrounding religion and language. It is a curiosity to me that this is true. Ever since I went into politics I have been surprised by it, struck by it and sometimes appalled by it. Anything any government can do to bring the people of this province together on an issue that has proved to be as difficult and as divisive as this particular one is a tremendous contribution to decency and to our sense of civility as a province.

I would be wrong not to be generous today to the Premier, as he has, I think, been generous to the people of this province in making this policy clear today. I would also be wrong if I did not pay tribute to the courage of many members of my own party who made this case and, indeed, made several parts of the Premier's speech before it became popular or before it became easier to do so. I pay tribute to some members of my own party who, at considerable personal cost, have participated in various election campaigns on this particular issue.

I say this not in a spirit of partisanship but simply in the sense that sometimes those who are

prepared to say things 10 or 20 years in advance do pay a certain price. I think it would be wrong for us not to pay tribute to members in all parties who have taken the position that it was time—I believe some time ago, but certainly today—to recognize that we have fundamentally two public systems at work in the province, that they have to be funded fairly and equally and that we have to recognize the claim of a very substantial minority to genuine equality in educational funding.

It is going to take a great deal of goodwill, it is going to take a great deal of give and take and it is going to take a great deal of understanding to make this policy work.

When I raised this matter with the Premier in his estimates six months ago, I was hoping for an answer. I am very pleased with the answer we have received. I did not receive one at the time I asked for it; I am delighted to have received it today.

We will be coming back with some questions about implementation, some questions about how the policy can be made to work and some questions about overcrowding still in the elementary system; there are a number of problems that are still outstanding. But I want to say the Premier has made a very important contribution to a sense of fairness in this province by making this statement today. We congratulate him for it. We look forward to working with his government in seeing that it can work on a nonpartisan basis. All of us in this House have an obligation to make it work. The Premier has my personal commitment and the commitment of our party that we will make it work.

The time was right. We are delighted the move has been made. Equality has made an important advance in Ontario today.

M. l'Orateur, l'égalité a fait un certain progrès aujourd'hui. Nous pouvons être fiers d'avoir un gouvernement qui a enfin répondu à des sentiments profonds de la part de la minorité catholique de notre province. Nous avons encore du progrès à faire pour garantir les droits de la minorité. Mais, en tout cas, on avance vers une égalité réelle pour tous les Ontariens.

2:40 p.m.

#### WORKERS' COMPENSATION AMENDMENT BILL

**Hon. Mr. Ramsay:** Mr. Speaker, I would like to advise the House that later this afternoon I shall be introducing for first reading a series of important amendments to the Workers' Compensation Act.



As honourable members know, the government, and latterly a committee of this House, have been engaged for the last several years in a detailed and wide-ranging study of the entire workers' compensation system. The study has been characterized by a great deal of helpful consultation with labour, management and a variety of other interest groups and organizations as well as individuals. The Workers' Compensation Amendment Act, 1984, is the culmination of that lengthy and indispensable process.

In the next few minutes, I propose to deal with three broad topics. First, I wish to deal briefly with the history of the review process. Second, I will discuss the phased approach to the reform of the system that the government proposes to take. Third, I will describe the measures in the bill which, taken together, comprise a major evolutionary step in enhancing the compensation system's equity, fairness and efficiency.

At the outset, I would be remiss if I did not pay tribute to the members of this House and in particular the members of the standing committee on resources development for their tireless efforts which have played such an important role in the development of this legislation.

Although the Workers' Compensation Act has been subject to periodic incremental amendments throughout its 70-year history, the most recent stage in this review process began in 1979 with the publication of a paper prepared for the joint consultative committee of the Workers' Compensation Board dealing with financing and program reform issues. This paper was tabled in 1979 by my predecessor, the member for York East (Mr. Elgie).

Early in 1980, Professor Paul Weiler was asked to undertake a comprehensive review of the administrative and benefit structures of the WCB. He reported in November 1980 and many of his recommendations were incorporated in the white paper issued by the Minister of Labour in 1981. The Weiler report and the white paper occasioned vigorous debate on the merits of alternative approaches to the reform of the system. This debate culminated in public hearings before the standing committee on resources development.

The standing committee held 51 hearings in Toronto, Thunder Bay, Sudbury and Windsor. It received and studied oral and written submissions from private citizens, injured workers, injured workers' groups, community legal clinics, organized labour, businesses and business organizations, health care and legal services organizations and municipal governments—53

different groups and agencies in all. It also examined 156 exhibits. It received testimony from Professor Weiler and WCB officials.

The standing committee's final report, published in December 1983, provides a thorough review of the many issues involved in workers' compensation reform.

As I have indicated, the process has been deliberate, thorough and comprehensive. There has been ample opportunity for all interested parties—labour, injured groups, injured workers' groups, employers' organizations, as well as members of this House—to express their views.

Having carefully distilled the issues and weighed the various submissions, we have decided to embark on a phased program of reform, dealing with both administrative process and benefit structure. Our approach recognizes that while changes are justified, we are modifying a system that is recognized as one of the best in the world and therefore we must be careful not to dismantle or weaken the many positive features of the existing law.

Before outlining the principal features of the bill, let me comment on one of the main reasons for adopting a phased approach. Honourable members will recall that the white paper had two basic thrusts. First, it suggested a number of changes to the structures and processes of the board to make its operations more open and responsive to client needs. Members will see that many of these structural and procedural suggestions have been incorporated in the bill.

Second, the white paper proposed a fundamental change in the way in which compensation benefits should be determined. Currently, benefits are established by the board on the basis of a clinical rating system which determines the extent of disability. The white paper suggested a dual award system, with lump sum payments compensating for the noneconomic loss suffered by injured workers together with a continuing benefit based on the actual wage loss resulting from the injury.

A dual award wage loss concept has many appealing features, and when it was first proposed in 1980 there was considerable general support for it. Over the past few years, however, that consensus has not been sustained. Serious concerns have been raised by both employers' groups and labour organizations about the desirability, feasibility and costs of such a system.

Sustained high levels of unemployment would require earlier cost estimates of a wage loss system to be re-examined. While several other



provinces have introduced variations of the wage loss model, none has implemented the system as proposed in the white paper.

In addition, there are a number of untested administrative aspects of the wage loss system. There is as well some reluctance to depart from a system of lifetime pensions for permanently disabled workers unless and until we are sure of the financial and operational soundness of any substitute system.

For all these reasons, it has been decided not to proceed with the wage loss concept at this time, but to continue to examine it in the light of representations received and the developing experience in other jurisdictions.

I would now like to deal with the highlights of the administrative and benefit reforms contained in the bill.

As to structure, administration and coverage, the following are the principal changes: an expanded corporate board with a majority of external, part-time directors; an independent tripartite appeals tribunal with provision for independent medical assessors to assist the tribunal in its deliberations; an industrial disease standards panel to provide expert advice concerning the criteria for compensating for industrial diseases; an expansion in the office of workers' advisers and the creation of a new employers' advisers office, both independent of the board; the inclusion of domestic workers under the compensation act; and provision for the payment of wages to injured workers on the first day of injury.

As to benefits, the changes are equally significant: an increase in the covered earnings ceiling to \$31,500; revisions to the sections of the act providing for rehabilitation supplements for partially disabled workers. The changes provide for inflation adjustment of pre-injury earnings in computing the supplementary benefits and integrate them with Canada pension plan disability benefits. While the latter will be considered in computing the WCB supplement, the receipt of CPP disability benefits will no longer constitute a bar to receiving a WCB supplement. In addition, those older workers who are unlikely to obtain employment will be eligible for supplements equal to the level of old age security pensions.

Compensation benefits will be based on 90 per cent of the injured workers' pre-accident net earnings rather than 75 per cent of gross earnings, as under the current act. At present, a worker with three dependants, for example, receives the same benefits as a single worker with the same gross income and the same injury.

Under the new act, the worker with dependants will receive greater compensation, reflecting his or her higher pre-accident take-home pay.

There will be a new and enhanced formula for determining entitlement of surviving spouses and dependants. Survivors' awards will comprise both a lump sum and a continuing benefit, fixed as a proportion of the deceased's pre-accident net earnings. The level of the lump sum award will be age-related, as will be the continuing payment for the sole surviving spouse. Where dependent children are involved, the continuing payment is to be fixed at 90 per cent of pre-accident net earnings, the same level as would be paid to a totally disabled injured worker.

As honourable members know, it has been traditional for this Legislature to provide annual increases in workers' compensation benefits effective July 1. Since the Workers' Compensation Act amendments I am proposing today are complex and wide-ranging, a constructive and thorough debate on them can be expected. Consequently, to ensure injured workers receive this year's benefit increase as soon as possible, a decision has been made to deal with the increase in a separate bill, in the hope that this House will see fit to pass it before the summer recess.

**2:50 p.m.**

I am therefore pleased to introduce these further amendments to the Workers' Compensation Act effective July 1, 1984, providing: (1) a five per cent increase in benefits levels for pensioners, surviving spouses and dependants; (2) an increase of five per cent in the covered earnings ceiling, from \$25,500 to \$26,800; and (3) corresponding increases in burial and clothing allowances and minimum benefits payable.

The provisions contained in the two bills being tabled today constitute a major step forward in advancing the equity, fairness and efficiency of the workers' compensation system in Ontario. I should add that in designing these measures we have been guided not only by considerations of equity and practicality but also in a significant way by the views of the major client groups, recognizing that one of the keys to the successful operation of the system is its acceptability to those who benefit from it and those who pay for it.

I would like to reiterate my appreciation to the hundreds of interested parties who made submissions during the lengthy consultative period. Their wise counsel has played an invaluable role in reshaping the legislation, and I look forward to their continued advice and assistance as we



continue our deliberations in areas that require further study.

Copies of this statement will be in the honourable members' boxes later this afternoon, if they are not already there.

## ORAL QUESTIONS

### WORKERS' COMPENSATION AMENDMENT BILL

**Mr. Mancini:** Mr. Speaker, after four years of deliberation and hard work, I have to say we are not totally satisfied with the minister's efforts. The injured workers have been waiting a long time.

**Mr. Speaker:** Order.

**Mr. Mancini:** They have given this government four years to come in with substantive changes.

**Mr. Speaker:** Question, please.

**Mr. Mancini:** I would like to ask the Minister of Labour for some clarification. He said in his statement to the House today that Canada pension plan benefits, a plan paid into by workers and given to them by another level of government, are going to be integrated with workers' compensation benefits.

Am I to understand that Canada pension plan benefits will be deducted from workers' compensation benefits, therefore leaving the injured workers literally without any benefits from a plan they have paid into, a plan administered by another level of government?

**Hon. Mr. Ramsay:** Mr. Speaker, under the present system, recipients of a permanent partial disability pension may be eligible under subsection 43(5) for a supplement to their pensions where impairment of earning capacity is significantly greater than is usual for the nature and degree of the injury.

Supplements may be paid for a reviewable 12-year term in an amount that, in combination with the pension awarded, equals the level of the equivalent total disability pension. Eligibility is dependent on the worker's co-operation with the Workers' Compensation Board rehabilitation programs and availability for suitable employment. Workers receiving a CPP disability pension are not entitled to a rehabilitation supplement.

Under the new proposal, older workers not in a position to benefit from a board vocational rehabilitation program would be eligible for a supplement to their PPD pensions, the amount of which would equal the level of old age security supplements. The board has in the past awarded

supplements of this type to workers 60 to 65 years old but does not do so currently.

**Mr. Mancini:** What right does the Minister of Labour have legally or politically to interfere with a separate pension plan paid into by workers and administered by a different level of government? What gives him the right to move into that area and interfere with a plan separate from the workers' compensation plan? Why is he denying the injured workers of Ontario their full disability benefits from the Canada Pension Plan?

**Hon. Mr. Ramsay:** The short answer is that overall we will be improving this benefit structure for the injured worker.

**Mr. Lupusella:** Mr. Speaker, on the basis of the minister's statement, and considering that there is a specific paragraph which states that the views of all interested parties have been taken into consideration in relation to the delivery of the new legislation and the amendments to increase the injured workers' level of compensation, how can the minister reconcile the principle that injured workers have been supporting, which opposes deduction of the Canada pension plan benefits from injured workers' pensions, with the fact that, by the introduction of the new law, the minister is going against the views of injured workers in dealing with that specific issue in the new legislation?

**Hon. Mr. Ramsay:** Mr. Speaker, we are going to have full opportunity, both at second reading stage and again in committee, to debate the point the honourable members opposite have raised. The proposal to offset CPP survivor benefits against Workers' Compensation Board survivor benefits is founded on the notion that this represents the fairest and most rational approach in seeking to relate the economic impact of the fatal accident to the level of compensation provided from whatever sources.

**Mr. Mancini:** The Minister of Labour says it is rational to deduct the CPP benefits from injured workers' benefits received from the WCB. I say that is irrational.

**Mr. Speaker:** Question, please.

**Mr. Mancini:** I want to know from the minister, clearly, what political and legal right he has, and why has he decided to integrate the two and so be able to subtract benefits that are due to injured workers from a plan they have paid into and is administered by another level of government. Why is the minister using these funds to do the job he is supposed to do? Why does he not let the WCB do the job it is supposed to do and allow the injured workers to receive the benefits of a

plan that has been paid for by them and another level of government? What legal and political right does the minister have to interfere with that separate plan?

**Hon. Mr. Ramsay:** Mr. Speaker, not to tell you how to do your job, and with the greatest of respect, that same question was asked in the first and second questions.

**Mr. Mancini:** Mr. Speaker, with the greatest of respect, this minister never answers the questions.

**Mr. Speaker:** Order. Will the honourable member please resume his seat.

**Mr. Wrye:** Mr. Speaker, I have a new question for the minister, following upon his statement. Nearly four years ago, in his report called Reshaping Workers' Compensation for Ontario, Paul Weiler said on page 67: "Clearly, the current response to this issue by the long-established clinical rating model is entirely discredited and must be replaced."

Professor Weiler rejected the so-called meat chart almost four years ago. Yet four years later, as I read the minister's statement on page 8, he says: "It has been decided not to proceed with the wage loss concept at this time, but to continue to examine it in the light of representations received and the developing experience in other jurisdictions."

Does this mean we will have the meat chart on into the future? Is there nothing new at all, after four years of study, for those injured workers who have come before us on the steps of the Legislature and in the public galleries of this Legislature, and who have said they cannot live on \$200 or \$300 a month? If there is something new, will the minister please tell us and those injured workers what it is?

**Hon. Mr. Ramsay:** Mr. Speaker, as I tried to point out in my opening remarks, when we first got involved in studying the Weiler report and the white paper, there was reasonable consensus for a wage loss system. As we continued to hold hearings and as we continued to consult with the Association of Injured Workers' Groups and other interested parties, we began to come to the conclusion that the alternatives suggested by Professor Weiler were not acceptable to the client groups. For that reason, we have tried to respond to their wishes and we have not moved forward at this time.

**3 p.m.**

**Mr. Wrye:** What appears to have scared this government off are the estimates of the costs of some kind of dual award system, whether it is a

specific wage loss or a pension based on a projected wage loss, as was proposed by the Association of Injured Workers' Groups. Perhaps it was the fact that the WCB, having had months of hearings of the committee, decided to send out yet another survey to the employers of this province.

**Mr. Speaker:** Question, please.

**Mr. Wrye:** Professor Weiler said the current response to this issue is discredited. He called it "the meat chart." He said people would no longer tolerate the inequities produced by a system of rough justice.

Is the minister standing in his place today and saying, in terms of permanent partial disability pensions, the workers of this province are going to have to continue to tolerate this system of rough justice? Are we even going to get a new medical model in terms of the clinical rating system?

**Hon. Mr. Ramsay:** I am very surprised. I thought the member opposite, for whom I have great respect, would have been in touch with the various interest groups that were genuinely concerned about the alternatives to the "meat chart" type of system. We tried to respond to those groups by moving forward with other amendments and taking a more careful and considerate look at this issue.

This does not mean we have shelved it. It does not mean we are not going to do anything about it. However, rather than hold up the rest of this package, we felt it was appropriate to step aside from that point at this time.

**Mr. Rae:** Mr. Speaker, there is a very major question at stake here. A 50-year-old construction worker who has a serious back injury and is effectively not able to work again in construction and is not going to be able to get a job for some time to come in another industry because of the nature of those jobs and the nature of his skills, is effectively disabled to an extent that is not recognized today in the act, nor is it recognized in the amendments the minister has brought forward. This is the issue, and the minister knows this.

Because of the arbitrary meat chart, which goes back to the time of Napoleon as far as we can gather in terms of assessing disability—

**Mr. Speaker:** Question, please.

**Mr. Rae:** —it does not take into account the real loss which has taken place. I have no quarrel with the unfair wage loss system and its rejection by the minister, but why did he not look at changes that would address the very real



unfairness which exists today for a great many workers who are forced to live on \$100, \$150 or \$200 a month, who are having to support their families on that much money and who are not really assisted by any of the amendments the minister has brought in?

**Hon. Mr. Ramsay:** Mr. Speaker, I do not agree with the last statement, that there is no benefit to the workers from the amendments we have brought in. This is not correct at all.

Why did we not move? Why did we not study? Why did we not think of alternatives? I believe these are the questions the member has asked. My goodness, we have looked at so many alternatives and we have spent so much time consulting, conferring, studying and assessing. There has not been any issue in the ministry in the two and a half years I have been there that has received greater study, greater attention or greater assessment than the amendments to the Workers' Compensation Act.

**Mr. Wrye:** The minister will know that the meagre pensions injured workers get at present and will get in the future from the so-called meat chart are based upon the earnings they have had. In his amendments today, the minister proposes to increase the earnings ceiling to \$31,500 a year or approximately 150 per cent of the average industrial wage.

How did the minister arrive at this figure, given that Paul Weiler said four years ago, "I am not convinced there is a good case for any ceiling at all"? He said, "We must respond to the practical problem of ensuring that essentially all the earnings of all the industrial workers in the province are protected by the same compensation legislation which takes away their right to sue in court."

After Paul Weiler proposed 250 per cent as the ceiling to insure all injured workers and after the minister's own Tory colleagues on this committee proposed 175 per cent, how in heaven's name did we get it down to 150 per cent? How can the minister consider this to be justice for all the injured workers and all the industrial workers of Ontario?

**Hon. Mr. Ramsay:** I used the words "a phased approach" on several occasions. That applies to the matter of the ceiling.

**Mr. Rae:** Mr. Speaker, my question is also to the Minister of Labour. Can he tell us why there is not a specific provision for the indexing of all benefits under the act? Why do we have to continue to go through this exercise of passing separate bills every time the government decides to increase the level of benefits? Why does the

government not move to an indexing system that at least ensures that at no point will the benefit level of any injured worker fall behind the rate of inflation?

**Hon. Mr. Ramsay:** Mr. Speaker, that is an excellent question. Considerable attention was given to that point and we felt it would be more appropriate to address it in the second phase of the act.

**Mr. Rae:** Because it is not clear in the bill before us, can the minister tell us what happens to the 80,000 existing pensioners under the new scheme? Are they opting in or are they left out? What exactly is being provided for them?

**Hon. Mr. Ramsay:** As far as the benefit increases are concerned, they will all be looked after. It is my understanding that these new amendments will be based in the greatest part on new claims.

**Mr. Lupusella:** Mr. Speaker, with the greatest respect, we are talking about the present WCB pensioners. I am particularly concerned about the issue of the dual award that has been postponed for further study until other jurisdictions across Canada have a full assessment of that issue.

Now that the present WCB pensioners do not have the option to move into the new system and get the benefits of the dual award if they so wish, can the minister give us an assurance that a full revision of the clinical rating system will be introduced in the province? The clinical rating system in Ontario is archaic and works against injured workers' interests.

**Hon. Mr. Ramsay:** Mr. Speaker, if I understand the honourable member, he is wondering about further action and progress. He also mentioned the studies of other jurisdictions. A meeting has been arranged with the other provinces for the month of July, at which time we are all going to sit down and look at the experiences of the various jurisdictions.

#### OVERCROWDING OF SEPARATE SCHOOLS

**Mr. Rae:** Mr. Speaker, I have a question for the Minister of Education. It concerns the subject of overcrowding in the separate school system and the number of portables that are currently in use in the elementary system.

I am sure the minister is aware a survey was completed in October 1983 which showed that in 13 Roman Catholic separate school boards there were 1,331 portables in use at the beginning of this school year.



Can the minster tell us whether the government has any plans today to deal with the very real problem in existence right across the province of the number of kids in the separate school system who have to learn in used portables rather than in completely permanent classrooms?

Is it the minister's intention to increase capital funding to deal with that problem, or are kids in the school system going to continue to suffer as a result of having to work out of portables?

**Hon. Miss Stephenson:** Mr. Speaker, I think it would be unfortunate if the impression were left that all the separate school boards across the province were facing the same difficulty, because that is not the whole truth of the matter.

There are several separate school boards which are experiencing at the present time, as are the public boards in some circumstances in those areas, fairly rapid growth in enrolment as a result of the patterns of shift of population that have been established in those areas in the development of housing.

**3:10 p.m.**

I believe there are seven separate school boards registering some difficulty accommodating their elementary school children. There have been very concerted efforts directed towards resolving the problem for those boards experiencing accommodation problems. Indeed, for the past several years more than 90 per cent of all the capital allocation that has been made available to the Ministry of Education has been directed towards providing school accommodation for those students who in many instances did not have any place to go to school. As a result, we have not met some of the requests or demands of other school boards that were not suffering this accommodation problem.

It is absolutely essential that we look at all alternatives related to the accommodation of those students. In some instances it might be quite possible that the sharing of accommodation with a public board in an existing school building would provide accommodation for a certain number of separate school students. It is quite possible that a school that is not being used by the public system might be made available to the separate school system, and we have been attempting to facilitate this kind of exchange or sharing. This is an activity that I think we are going to have to step up.

In addition to that, we have been working with school boards in the development of schools that could be considered to be demountable. These are somewhat different from the traditional

school buildings that have been established, and we have been able to build more schools as a result of moving in that direction.

As well, we have ensured over the past several years that the majority of our dollars for the building of new schools in those areas in which they are needed has gone to the separate school system, and this is a matter that I think we will continue this year. I believe more than 61 per cent of all the allocation has gone to the separate school system in order to help it meet its needs.

We continue to work with them to help them solve their problems through the many means that are available to us and we shall continue to do so.

**Mr. Speaker:** Thank you. That was a very complete answer.

**Mr. Rae:** I wonder if the minister can give me—she might attempt it; I do not know whether she can do it or not—a yes or no answer to this very simple question.

Capital spending has been cut in the last 10 years from \$88.9 million in 1972 to \$60.6 million in 1982. One Catholic student in 10 in the elementary system studies in a portable. Will the minister at least commit herself to increasing that capital allocation in order to ensure that the number of Catholic students studying in portables goes down?

**Hon. Miss Stephenson:** I am not sure I can support the figure the honourable member has suggested. I will look at it, but I would like him to know that on an annual basis I make every effort to ensure there is not a reduction in our capital allocation, and it is my understanding that this year we have not had a reduction. In fact, we have had a fairly stable capital allocation for elementary school development in the last several years.

**Mr. Ruston:** Mr. Speaker, I want to ask the minister a supplementary with regard to an area in my riding in which the town council has refused to give permission to Ste. Anne high school and also St. Pius X elementary school. Ste. Anne has nine portables and St. Pius X has four portables, all in one town. They are asking permission to bring more in, and the town council says it just does not want more portables in the town. They want something done to make those schools more permanent.

**Hon. Miss Stephenson:** Mr. Speaker, I believe in some areas, as I suggested, there are greater opportunities for the utilization of existing buildings which might be made available by



other boards in a way that would be helpful to the separate school system.

I understand the concern raised when the word "portable" is used. As a matter of fact, the new portables, which are very much akin to the units used in demountable schools, are built for a 20-year life expectancy, not five years as they used to be, and they are reasonable structures which can be reasonably heated.

The one difficulty, of course, is that in most circumstances they are not connected to the main school building and they require the students, of necessity, to leave the portable sometimes in the middle of winter to go into the school building.

But it is my understanding that in most instances where portables have been used they are decreasing in total numbers, although there are one or two boards in specific areas—I can mention Wellington-Dufferin-Peel and York region—where the number is growing because instant communities are being created by developers in those areas.

**Mr. Rae:** The minister should be aware that because of the cutbacks and the overall refusal to move on the capital side by the Ministry of Education, St. Nicholas of Bari, a school just outside my riding which serves a great many kids in my riding, is not even on the 1985 capital budget allocation list.

It was built in 1977 with an original capacity of 604 and an actual enrolment of 847 when it opened. The excess today is 243, more than 40 per cent in excess. There are 18 regular classrooms and 13 temporary ones; 13 portables out of a total of 31 classrooms. That school is not even on the 1985 capital budget allocation list because of the restrictions placed by the ministry.

The minister can look as strange, weird and wonderful as she wants, but those are the facts. Would she please go back and have another look at what the ministry is doing on the capital spending side? If this government is going to provide, as I hope it will, genuine equality in educational opportunities for children in the Catholic system as well as in the public systems, it will have to do it partly by recognizing the need to invest in the future and provide for that capital spending. The government cannot do it if it is not prepared to do the capital spending that is necessary. Will the minister at least move to ensure that the goodwill expressed by the Premier (Mr. Davis) today can be carried out because of her willingness to look at the money implications of what it is she claims she wants to be doing?

**Hon. Miss Stephenson:** About a year and a half ago, under the aegis of the Ministry of Education, we established a Metropolitan Toronto School Facilities Committee which has now become independent of the ministry. The directors of education and some representatives of the boards of education of all the boards in Metropolitan Toronto, including the Metro separate board, function as members of that committee.

As a result of their deliberations, the problems related to St. Nicholas of Bari are going to be solved because school sharing or the sharing of facilities, which we have been trying to foster, is the route that can provide the solution in areas where there are problems of accommodation. I would urge all the boards to consider the taxpayers of Ontario and ensure we make the most appropriate and effective use of existing school facilities to ensure we do not overburden the taxpayers by the building of schools which may not be necessary.

#### BARRIE-VESPRE ANNEXATION BILL

**Mr. Epp:** Mr. Speaker, I have a question for the Minister of Municipal Affairs and Housing.

Given the fact that Bill 142, the bill dealing with the Barrie-Vespra area, is and has been before the Legislature and committees of this House since last December and given the fact the minister has not participated in second reading of the bill nor in committee considerations, that at least 103 rural municipalities and thousands of people in the Barrie-Vespra area are opposed to this legislation, and the fact this bill will not resolve the dispute but will only fire up the emotions that already exist there, will he in all fairness withdraw Bill 142 from the Legislature?

**Hon. Mr. Bennett:** No, Mr. Speaker.

3:20 p.m.

**Mr. Epp:** The minister is aware of the article he wrote in *Municipal World* where he clearly takes the side of Barrie in this dispute against Vespra township in trying to rape Vespra township of 2,000 acres, and he is aware he has not shown any impartiality in this issue.

Will he, therefore, change section 9 of Bill 142, where he is the final arbiter of the compensation to go to Vespra township and Barrie? Will he remove himself from that and appoint the Ontario Municipal Board to resolve that problem, rather than retain those powers for himself?

**Hon. Mr. Bennett:** I have not taken the side of Barrie. I have tried to enunciate in a clear and proper fashion exactly where we are in the



negotiations between Barrie and Vespra. As the member will recall, I used the comparison of Innisfil and how we were able to negotiate that one to a successful conclusion. Indeed, the reeve of Innisfil came to the hearings, said forcefully, and bragged to a certain degree, that the Innisfil had made an excellent deal with the province in the change of boundaries in that township.

I have presented the case very fairly. I have talked to the reeves. We have talked to various other elected people and the mayor of Barrie. We have tried to take the most impartial position we possibly can, going to the position of sending the bill to committee so the committee could review it here at Queen's Park and could review the situation in person on its journey to the Barrie-Vespra area. I was hoping we would find some degree of understanding and compromise in the situation.

I believe the conclusion of the bill will put things to rest. I do not intend to take away the position of the minister, whoever the minister happens to be, in trying to draw to a conclusion the financial responsibilities among Vespra, Barrie and the province. I hope I will have the opportunity of arbitrating it with a degree of understanding from both Barrie and Vespra, and that we will find a joint understanding and an acceptable position.

**Mr. Breough:** Mr. Speaker, I had a chance to participate in that debate—

**Mr. Boudria:** Briefly.

**Mr. Breough:** —briefly. It is what one calls intervention.

I have a new question concerning the activities of one Fast Eddie Goodman, representing his clients Cadillac Fairview in Vespra township. Can the minister explain to this Legislature why on the evening of December 5 the council of the city of Barrie withdrew its objection to the \$20-million expansion of the Cadillac Fairview Georgian Mall and on December 6 the minister introduced Bill 142 in the Ontario Legislature? Was that deal put together by Fast Eddie Goodman?

**Hon. Mr. Bennett:** Mr. Speaker, I have no knowledge of who put what deal together.

**Mr. Breough:** Does the minister know why the council of the city of Barrie withdrew its objection to that expansion of the Cadillac Fairview mall?

**Hon. Mr. Bennett:** I am not completely aware why they withdrew their objection. I think they realized they were getting to a position where some action had to be taken. The member

knows well that at that time there were long, drawn-out discussions among Vespra, the staff of the Ministry of Municipal Affairs and Housing and Barrie, trying to find some conclusion to the situation.

They had legal counsel. If I recall correctly, it was not Mr. Goodman. I think it was Mr. McCallum, a notable lawyer practising in the city of Toronto, who has been on that case for about nine years and has likely made for himself the greatest pension situation one could possibly have because of the duration of the arguments that have taken place among Barrie, Vespra and Innisfil.

Putting that aside, I am sure Mr. McCallum advised his clients that the actions they were taking were likely in the best interests of the municipality. For what reason, I cannot read into the record because I do not know.

**Mr. Epp:** Mr. Speaker, why would the government—

Interjection.

**Mr. Speaker:** That is right. It is a question, supplementary and a supplementary here, with all respect. We are having an argument with the table here.

**Mr. R. F. Johnston:** You are supposed to call time out.

Interjections.

**Mr. Speaker:** Order.

**Mr. Epp:** Why would the government be so interested in permitting the Georgian Mall to proceed under Barrie's direction, when it would not let the Georgian Mall proceed through expansion when it was under Vespra township's jurisdiction and when Barrie has no intention of providing additional services to that area? That was one of the reasons the government originally gave for the annexation.

**Hon. Mr. Bennett:** Mr. Speaker, I suppose we are now going to go back through the historical factors of why we get into this freezing situation that applies to Vespra, as it did to a number of other townships across the province. The member will recall clearly that a number of shopping centres were starting to be established on the perimeter of major cities or the growth centres in the various provincial jurisdictions we are talking about. Barrie was known as the growth centre for its area. This shopping centre went in two or three ministers prior to my coming into Municipal Affairs and Housing and taking over the planning responsibilities.

It was entirely against the provincial philosophical position as to who should be allowed to



develop and what areas should be allowed to develop to allow major commercial areas to be on the fringe of a municipality that is paying all the freight while the other one gets the free ride. That is exactly what the situation has been in Barrie and Vespra. I do not think anybody in this House can deny that situation for a moment. We are clearly saying that commercial development belongs to the city of Barrie.

That has been argued before two or three Ontario Municipal Board hearings and it has been before the courts. The cases have been set aside time and time again, not because of the planning policy or the question of geographical location, but on some very small legal technicalities. The member knows we have gone through nine or 10 years of hearings on this situation. Clearly, every hearing has been positively on Barrie's side on the question of having the development in the geographical area of Barrie.

Interjection.

**Hon. Mr. Bennett:** No, the courts did not deal with that.

#### SURNAMES OF CHILDREN

**Mr. Boudria:** Mr. Speaker, I have a question for the Deputy Premier and Minister responsible for Women's Issues. I draw to the minister's attention a publication distributed by the women's bureau of his ministry. The title of the publication is *Women and the Law*. On the second page, it says, "The legal position of women: A married person has a legal capacity for all purposes and in all respects as if she were unmarried."

Since when do married women have the right to give their children their own name under the present Vital Statistics Act and several other laws that are totally discriminatory towards women? When will the minister, along with his colleagues, see to it that those laws are amended?

**Hon. Mr. Welch:** Mr. Speaker, if the honourable member wanted an answer, he would have asked the Minister of Consumer and Commercial Relations, to whom I refer the question once again.

**Hon. Mr. Elgie:** Mr. Speaker, I think that is an important question and one to which the member knows full well the government is directing its attention. It is a policy position we are in support of. The matter is now being implemented with a view to legislative introduction, as the member knows already. This is just a little bit of grandstanding.

**Mr. Boudria:** Thank you. It is nice to hear about grandstanding. I have taken lessons from the minister for whom I am the critic.

**Mr. Speaker:** Question, please.

**Mr. Boudria:** That has nothing to do with the brochure in which the ministry gives erroneous information to the women of this province.

Will the Minister of Consumer and Commercial Relations promise to bring in legislation before we adjourn for the summer? It only needs a minor bill to correct the Vital Statistics Act. I am sure we would all agree to pass this bill very quickly if he were to bring it in. Will the minister do this one thing for the women of this province whom he purports to serve with all the new gimmicks and gadgets his government has lately?

**Hon. Mr. Elgie:** I do not want to give a lengthy response to this. I know if I did, Mr. Speaker, you would draw to my attention the fact that I was taking an undue length of time in responding. That is not something you want members who are answering questions to do.

If I were to take a long time to answer the question, I would tell the member that the fundamental problem he has always had is that he does not understand it is not a simple issue. He knows very well it involves changes to the Change of Name Act as well as the Vital Statistics Act. The fact that he cannot get that through his head is his problem, not mine.

#### COMMUNITY HOSPITALS

**Mr. Stokes:** Mr. Speaker, I have a question for the Minister of Health. Does he recall answering a letter from the hospital board in Nipigon in the following way: "Under the circumstances, it is recommended that an external planning consultant with familiarity with the problems and issues facing small hospitals be engaged to redevelop the master program"? Does he recall the letter also said, "It is also recommended at the outset close liaison with the Thunder Bay District Health Council, so that the council is fully appraised of your efforts"?

**3:30 p.m.**

Is the minister not aware from a letter I sent to him on May 17 as a follow-up to the letter from the board's chairperson that the board has developed its plan over two and a half years and that the plan before him for study now has the blessing of the district health council? Why is the minister being so ornery in responding to a very legitimate request?

**Hon. Mr. Norton:** Mr. Speaker, the answer to the last part of that three-part question is that it is just my nature to be ornery. However, the answer to the first part of the question is, no, I do



not recall that specific letter. I would have to refresh my memory. If that letter followed the receipt of the plan, then obviously the answer to the second part of the question would also be no. I would be pleased to review the whole situation and correct whatever misunderstanding there might have been on my part, if there was one.

**Mr. Stokes:** Briefly, will the minister not take the advice of the district health council, which has been working with the hospital board for the past two and a half years? How is he going to rationalize his actions to date with the stated objective in the speech from the throne of March 9, 1982, indicating that his government was prepared to assist small community hospitals in northern Ontario? That is all I am asking for, no more and certainly no less.

**Hon. Mr. Norton:** That is certainly both the stated policy and the policy in practice of the ministry with, in some respects, the active support of the Ministry of Northern Affairs.

I will certainly review the advice of the district health council. I am sure the honourable member would understand that in most cases we do try to give credence and implementation to the recommendations of the district health councils on local planning issues. It is not always possible. By saying this I am not suggesting at all that it will not be possible in this case.

**Mr. Stokes:** The minister is asking them to go back and do it all over again.

**Hon. Mr. Norton:** Yes. It is important to remember the district health councils are advisory but not decision-making bodies. However, if the sequence of the two documents to which the member has referred legitimately represents some misunderstanding on my part at the time of the drafting of that letter, then I certainly shall correct that, but I will have to review them both to do so.

#### ONTARIO STATUS OF WOMEN COUNCIL

**Mr. Wrye:** Mr. Speaker, I am sure the Minister responsible for Women's Issues will remember that the snow was still on the ground four months ago when Sally Barnes, whose tenure came under a cloud of partisanship and a storm of controversy, resigned as president of the Ontario Status of Women Council. Four months later, no replacement has been announced.

I want to ask the minister a very simple question. Why has there been a delay in replacing the potential future candidate in the riding of Frontenac-Addington? Is it because the government simply cannot find a qualified woman to

accept the paltry salary that comes along with this part-time job?

**Hon. Mr. Welch:** Mr. Speaker, without boring the honourable member with all sorts of dates, he will recall that during some discussions with him as my critic I shared the fact that, following the establishment of the Ontario women's directorate, I thought it advisable to have some type of objective review of the role of the directorate, particularly as it related to the advisory council. Therefore, we commissioned a study by Touche Ross and I got the results of that study.

Before I could act on the study, I felt it would be wise to consult with the advisory council and see what it thought of it. I sent the report to the advisory council, but then the president of that council retired. I met with the advisory council on March 1 and had a preliminary round with it with respect to the Touche Ross report. The council asked me for more time to go into this matter. I have been standing by waiting to be invited back to a second meeting.

I got a letter from the council dated the first part of this month—either June 1 or June 2—with a written report on the matter. I intend to deal with that and then bring recommendations forward to my cabinet colleagues.

I think it is important to know, as the honourable member will recall, that it was clearly my intention to wait until I had the advice and opinion of the council itself with respect to its future role. If we were going to invite people to serve on the council or someone to serve as its president, I felt it would only be fair to them to have some explanation of what their duties would be and what the relationships would be after some determination of those matters that would come as a result of the discussion I had had with the council.

I would remind the member that I did not hear back from the council until the letter dated either June 1 or June 2.

**Mr. Wrye:** If the minister had been in a little bit more of a hurry perhaps he could have picked up the phone. I would remind him that the council is not only without a president, but the council is and has been for some time without an executive director.

Is the minister ignoring in his search for a replacement the recommendations of the standing committee on procedural affairs that the job of president be full-time with improved salary and that the council itself have a substantially improved budget? As the minister knows, the budget is now somewhat less than \$200,000



annually, and that compares with a budget of about \$1 million in Quebec.

Is the minister prepared to stand in his place and make a commitment today that, no matter who the replacement is, this replacement will be full-time and receive a full-time salary and the council will finally get the funding necessary to do the kind of independent, nonpartisan research that is so sadly lacking in this province?

**Hon. Mr. Welch:** I will be prepared to address those issues when I have finished the determination of roles, responsibilities and relationships. The Touche Ross report makes some comments on those issues as well, so they have to be taken into account.

The honourable member might do well to take a look at the estimates, which are now out, and come to his own conclusions as to whether or not there has been a substantial increase in so far as this area is concerned. I think he will be quite impressed by the fact that there is some increase in resources there. How they will be expended will depend on how the council sees its role after we have had a further meeting.

**Ms. Bryden:** Mr. Speaker, the estimates show that funding is almost flat for the council but that it is going up in the minister's own directorate from \$3.5 million to \$5 million. Two years ago it was about \$1.5 million for the women's groups. How much of that \$5 million will go to the Ontario Status of Women Council if the minister decides to carry it on? Is he thinking of expanding the participation of groups within the council and changing the method of selecting people for the council?

**Hon. Mr. Welch:** Mr. Speaker, I am very anxious to clear up this matter. I think we will do so fairly soon now in view of the letter I have received from the council. But I do not feel as the Minister responsible for Women's Issues that I am in any way restricted with respect to the full consultative process. Ever since my appointment a year ago I have been meeting with individuals and representatives of a number of organizations and I want to maintain that relationship. I do not want us to so organize ourselves that I am prevented from consulting with a wide variety of organizations and representatives of those organizations throughout the whole province. That is the very point we have to make.

If the member looks at those estimates once again, she will see that the council has not been flat-lined; this is a matter of fact that can be determined in an examination of the estimates. I am quite committed to the consultative process. Indeed, I think those with whom the member has

come in contact will assure her that we have spent a fair amount of time in this particular exercise.

**3:40 p.m.**

### TENDERING PRACTICES

**Mr. Swart:** Mr. Speaker, I have a question for the Minister of Agriculture and Food, if I can have his attention. This past spring the minister contracted out, as he will recall, the soil and feed testing and the leaf analysis, which formerly was done, and as a matter of fact still is being done, by the University of Guelph, to Griffiths Laboratories Ltd. This firm is a wholly owned subsidiary of Griffiths Laboratories of the United States, which, incidentally, has 20 branches in different countries around the world.

Is it not true that at the time the contract was let Mr. David George, executive director of the Ministry of Agriculture and Food's research services, could not give any indication as to what saving there would be, and that in fact the ministry's tendering criteria are so imprecise that any bidder could have been picked?

Is it not true that the real reason for taking the service away from Canada's best-known and highly respected agricultural University of Guelph was his government's perverse addiction to privatization and its desire to feed public funds to its corporate friends?

**Hon. Mr. Timbrell:** Mr. Speaker, the whole purpose in tendering the laboratory services in question was to obtain the very best laboratory services available. Extensive analysis of the submissions was done by members of the ministry staff, and the one submitted by Griffiths was found to be of the highest calibre of those submitted. It was able to show that it could provide a better service than that provided by the University of Guelph.

**Mr. Swart:** That is not what the Ontario Federation of Agriculture feels, as the minister very well knows, because it passed a resolution asking that it be left with the University of Guelph.

Is it not true that the senior officials of the Griffiths Laboratories are also senior advisers to the Ministry of Agriculture and Food and to the Ministry of Colleges and Universities? Is not Edmund Bovey, who is a heavy contributor to the Conservative Party and, of course, the chairman of the Commission on the Future Development of the Universities of Ontario, also a director of the Griffiths Laboratories?

Is it not correct that a Dr. D. H. Lees, who is group vice-president of Griffiths Laboratories and government relations specialist for that



company, is also vice-chairman of the Agricultural Research Institute of Ontario, whose mandate, according to the annual report, is: "The institute, which is responsible to the Minister of Agriculture and Food, reviews research programs in agriculture, veterinary medicine and household science. It determines whether the objective facilities and staff meet the needs of Ontario's agriculture and makes recommendations accordingly"?

Finally, is it not correct that Jim Schollar, the president and chief executive officer of Griffiths Laboratories, is a close associate of the minister and is on the board of the Don Mills Foundation for Senior Citizens Inc.?

Does the minister not think serious questions are raised about patronage and the conduct of his ministry by putting his corporate friends ahead of the farmers' best interests? Will he refer the still-secret tenders to the standing committee on public accounts of this House for examination, along with all other aspects of the awarding of the contract to Griffiths?

**Mr. Speaker:** That was a very long question of about five parts.

**Hon. Mr. Grossman:** Do not extend the question period.

**Mr. Speaker:** I am not, but I suggest that we have a very brief, concise answer.

**Hon. Mr. Timbrell:** I am happy to do so, Mr. Speaker.

I have never asked for, nor have I ever seen, a list of the board of directors of any of the companies involved in the tendering. I have never been contacted by Griffiths Laboratories in support of its application.

The awarding of the contract was based entirely on analysis by my senior staff, who are expert in the areas covered by the contract. I did not, in any way, shape or form, direct the staff of the ministry as to how the applicants, be it the University of Guelph or any of the private firms, were to be treated.

If the honourable member wants to make allegations of impropriety, if he wants to cast aspersions on my character, I invite the member to walk out those doors and do it out there in the public domain.

#### FRENCH-LANGUAGE SERVICES

**Mr. Roy:** Mr. Speaker, for some time I have been wanting to ask a question of the Minister of Intergovernmental Affairs, the minister in charge of French-language services. I am pleased to welcome him back.

**Hon. Mr. Norton:** When did he leave?

**Mr. Roy:** Is the minister going to quit interrupting me?

**Mr. Speaker:** Proceed, please.

**Mr. Roy:** How could all the members across the House keep a straight face when the Premier (Mr. Davis) made this announcement?

**Mr. Speaker:** Is that your question?

**Mr. Roy:** Were they tied to their seats?

**Mr. Speaker:** Order. Will the honourable member please place his question.

**Ms. Copps:** J. Earl is very persuasive. He has been over there only two weeks and has got the government to move on a condition it would not move on for 13 years.

**Mr. Speaker:** Order.

**Mr. Roy:** If the Premier keeps making such statements, we are going to get the member for Frontenac-Addington (Mr. McEwen) back here, and we do not want him.

Is the minister aware that the office of the co-ordinator of French-language services has put out its 1983 annual report? In the report there are statements from various ministries about the progress that has been made towards the establishment of French-language services in the government of Ontario. Is the minister in charge not somewhat embarrassed by the paternalistic, fatherly and mushy type of approach taken to the provision of French-language services in this province by the various ministries? As one who is committed to the cause, how can he accept statements that give no specifics?

As I look at his colleague the Minister of Agriculture and Food (Mr. Timbrell), who is seated behind him, I am reminded that most ministries say something as neutral—

**Mr. Speaker:** I presume you have a question.

**Mr. Roy:** Yes.

**Mr. Speaker:** Well, let us have it.

**Mr. Roy:** My question is, simply, is the minister embarrassed? I have to tell him what he is embarrassed about.

**Mr. Speaker:** He already knows. Order. Will the honourable member please—

**Mr. Roy:** Yes. I will just finish this.

**Mr. Speaker:** Please resume your seat. You have already asked your question.

**Mr. Roy:** No, I have to tell him.

**Mr. Speaker:** So you told me.

**Mr. Roy:** I have to tell him why he is embarrassed about this statement.



**Mr. Speaker:** Order.

**Mr. Roy:** I just have a brief statement.

**Mr. Speaker:** Order. The Minister of Inter-governmental Affairs.

**Hon. Mr. Wells:** Mr. Speaker, I thank my friend for asking the question. As he knows, I have not been in the House for the past few days because I was in France, of all places, with one of his colleagues and the member for Riverdale (Mr. Renwick). We had a very enjoyable time there, and we found that Ontario is very highly regarded and well received. The only thing that surprised me was that of all the very fine French men and women I met there, no one mentioned the name of the member for Ottawa East.

**Mr. Van Horne:** They have not even heard of him.

**Mr. Boudria:** Omer Deslauriers knows his name.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** I did not visit Omer this time.

I might indicate that one of the very fine appointments made in the last couple of weeks is a person with whom my friend is well acquainted; Gisèle Lalonde has now become the chairman and president of the Conseil des affaires franco-ontariennes.

The answer to the honourable member's question, if he will read that report very carefully, is that the government co-ordinator "is responsible for the application, co-ordination and development of the Ontario government's policy on French-language services." That is an excellent policy that is carried out by government co-ordinators in each ministry.

No, I do not think the report is—what was the phrase he used?—"mushy and paternalistic." I think the report is very realistic and indicates the actions various ministries are taking, I might say very willingly, under the direction of and with the help of the co-ordinator of French-language services.

**Mr. Roy:** If the minister is learning—

**Mr. Speaker:** Question, please.

**Mr. Roy:** I will simply say to the minister that it is no wonder he got no answer to his question about who knew whom in France if he learned his French from this report; they probably did not understand him.

Does the minister think he can satisfy the demands and l'épanouissement of the franco-phone community with such paternalistic reports? If he does, he is sadly mistaken. When is

the minister going to accept some of the recommendations of his former co-ordinator, Mr. Stevenson, and bring forward legislation rather than just paternalistic statements?

When is the minister going to bring in legislation, such as I proposed in 1978, that would guarantee French-language services, tell civil servants what their obligations are and tell Franco-Ontarians what their rights are in obtaining French-language services, rather than having paternalistic platitudes such as are in this report?

**3:50 p.m.**

**Hon. Mr. Wells:** I do not want to intrude on the time of the House, but my friend knows I answered that question quite adequately and properly, I think, in a speech I made in his home town not so long ago.

**Mr. Roy:** The minister did not impress anyone there.

**Hon. Mr. Wells:** As a matter of fact, the mayor of the member's municipality was there and he seemed quite—

**Mr. Roy:** He was confused, as was everybody else.

**Hon. Mr. Wells:** No, he was not. I do not think he was confused. He understands the quiet revolution that has happened in Ontario and the significant gains that have been made in the last 20 years—

Interjections.

**Mr. Speaker:** Order.

**Mr. Cassidy:** Mr. Speaker, this has been a historic afternoon with the Premier's statement respecting Catholic secondary education. In addressing a supplementary question to the minister, I would like to use a quotation from the Premier's statement with respect to bilingualism and French language rights in the province.

The Premier quoted Sir John A. Macdonald as saying we must not stand on the extreme limitations of our rights; he said this is a matter where we can afford to be generous. If that is true today with respect to Catholic secondary education, I ask the minister why it is not also true with respect to French language rights in Ontario.

**Hon. Mr. Wells:** Mr. Speaker, this government has indicated its affirmation of French language rights in legislation time and time again in this House. I think that—

**Ms. Copps:** What about the WCB legislation? There is nothing in that.

**Mr. Speaker:** Order.

## VISITORS

**Mr. Speaker:** With the permission of the House, I would like all honourable members to join with me in welcoming two guests in the Speaker's gallery. They are the mother of the Deputy Speaker, the member for Mississauga (Mr. Jones), and the other Mrs. Jones, his wife, who are both in the gallery.

## PETITIONS

## SALE OF BEER AND WINE

**Mr. Boudria:** Mr. Speaker, you will be glad to know I have another petition here today. It reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the government and the Legislative Assembly to support the private member's bill of Don Boudria, MPP, to permit the sale of beer and Ontario wine in small, independent grocery stores.

"Pétition adressée au Lieutenant-gouverneur en Conseil et à l'Assemblée législative de l'Ontario:

"Nous, soussignés, par la présente pétition demandons à l'Assemblée législative et au gouvernement d'appuyer les projets de loi du député Don Boudria qui permettraient aux petites épiceries indépendantes de vendre de la bière et du vin ontarien."

This petition is signed by 77 more people, bringing the grand total to 11,077.

## INDEPENDENT SCHOOLS

**Mr. J. A. Reed:** Mr. Speaker, I have a petition, which reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We, the undersigned electors of the Georgetown District Christian School Society, appeal to the Legislature to provide form and substance in law for the basic human right of parents in Ontario to choose the kind of education that shall be given to their children.

"The present education policy provides no guarantees for the existence of independent schools that are one of the concrete expressions of this basic parental right.

"The supporters of these schools also face a form of financial double jeopardy through a lack of access to the compulsory and indirect taxes they must pay in support of education. We seek a just public education policy that supports all

schools deemed to be operating in the public interest."

This petition is signed by hundreds of supporters in the good riding of Halton-Burlington.

**Mr. Epp:** Mr. Speaker, I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to appeal to petition the parliament of Ontario as follows:

"The supporters of Rockway Mennonite Collegiate cannot accept the fact that the government of Ontario can boost its support for Catholic and Franco-Ontarian schools while continuing to neglect to support other educational communities.

"In a democratic, multicultural society, choice in education should not provide some schools of choice funding while denying the same rights to others. In at least five Canadian provinces, independent schools are recognized as providing a public service and they receive various forms of financial grants. In Ontario, legislators act as if the 80,000 children in independent schools do not exist.

"Parents and supporters pay the total cost for their education while also paying taxes at the same level as everyone else for public schools they do not use. In fact, in the past five years, parents of children in independent schools have contributed \$1 billion to educate other people's children in Ontario.

"When will their children receive some benefit from public education tax dollars? When will this government accept its responsibility to recognize the value of these schools and provide support for them as it does for Franco-Ontarian and Catholic schools. When will this denigrating blot be removed from our democratic, multicultural province?"

**Mr. Barlow:** Mr. Speaker, I have a petition to the Legislative Assembly of Ontario and the Honourable the Lieutenant Governor of Ontario:

"We, the undersigned electors of Cambridge, appeal to the Legislature to provide form and substance in law for the basic human right of parents in Ontario to choose the kind of education that shall be given to their children.

"The present educational policy provides no guarantees for the existence of independent schools that are one of the concrete expressions of this basic parental right.

"The supporters of these schools also face a form of financial double jeopardy through a lack of access to the compulsory and indirect taxes they must pay in support of education. We seek a



just and public education policy that supports all schools deemed to be operating in the public interest."

**Mr. Kolyn:** Mr. Speaker, on behalf of the member for Simcoe Centre (Mr. G. W. Taylor), I table the following petition from Bradford, addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, supporters and friends of Holland Marsh District Christian School respectfully ask for your support to redress an injustice.

"Provincial grants normally follow children from one board of education to another within the public and separate school systems all over the province. However, when parents choose to enrol their children in Holland Marsh District Christian School, not a provincial cent follows them.

"For the past 40 years we have faithfully and effectively provided quality education to the children of Christian parents in our community. We are people of modest financial means who have faithfully paid our taxes but are having a difficult time financing our schools.

"We feel we are entitled to receive at least some of the moneys we have paid for the education of our children. In a democratic and pluralistic society, choice in education should not carry a financial penalty."

#### INFLATION RESTRAINT ACT

**Mr. J. A. Reed:** Mr. Speaker, I have another petition as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned teachers, beg leave to petition the parliament of Ontario as follows:

"Whereas we oppose the extension of the Inflation Restraint Act because it is inequitable in its application to the citizens of Ontario and restricts our basic free collective bargaining rights;

"And whereas we believe that an extension of the act or measures which would have a similar effect would violate the spirit of the Canadian Charter of Rights and Freedoms;

"We petition the Ontario Legislature to restore our free collective bargaining rights forthwith under Bill 100, the School Boards and Teachers Collective Negotiations Act."

#### RESPONSES TO QUESTIONS

**Mr. Wildman:** Mr. Speaker, I rise on a point of order to ask for your assistance with regard to

the question I placed in Orders and Notices on May 23. I raised this yesterday. That question should have been answered last week, but there has not been even an interim answer.

I am wondering whether you can give me and the House some direction on what we can do when ministers of the crown flout the orders of this assembly. How can we in some way enforce the rules of the House? Why can we not get even an interim answer to a question when the 14-day deadline is up?

**4 p.m.**

Surely there must be some way other than to have a member of the House raise the issue with you, and for you simply to say, "I am sure the House leader for the government side has listened and will do something." That is what you said yesterday and nothing has happened today. There must be some way we can enforce the rules of the House. What way is there?

**Mr. Speaker:** As you may know, and I am sure you do, that is a matter over which I do not have any authority. I am not going to repeat what I said yesterday.

**Mr. Nixon:** Mr. Speaker, on the point, since this is a rule of the House that requires a response in a certain number of days, I submit to you that you do have the authority. If you, as Speaker, brought it to the attention of the representatives of the ministry that the rules had been broken, it might stimulate them to keep to the rules.

**Mr. Speaker:** In so many words, although not exactly, that is what I said yesterday, only through the government House leader rather than to the specific minister involved. For me, as Speaker, to try to impose wishes on the government would be very difficult. I point out that the government House leader has heard the exchange. I hope he will bring it to the minister's attention and that you will have an answer.

**Mr. Elston:** How about corporal punishment?

**Mr. Speaker:** Of course, we do have an empty tower on the west side.

**Mr. Nixon:** Lock them up.

**Hon. Mr. Wells:** Could the member indicate the number of the question? Every time these requests are brought up I check into them. There are more and more questions. The volume has grown greatly over the last few years. It takes a lot of time and effort, and it is probably just a clerical error that we have not given an interim answer, because we do give interim answers to all of them, even if it says the answer will be ready in six weeks.

**Mr. Wrye:** Or six months.

**Hon. Mr. Wells:** Or six months.

**Mr. Wildman:** In response to the House leader, the question is 399 and, as I said yesterday, the Minister of Natural Resources (Mr. Pope) is obviously continuing his stone-walling tactics and his unwillingness to provide us with any information when we ask for it.

**Mr. Speaker:** The government House leader has already taken it upon himself.

**Ms. Copps:** Mr. Speaker, could I also ask whether an answer will be forthcoming shortly on question 408?

**Mr. Speaker:** The government House leader has taken note of that and I am sure he will respond.

#### ATTENDANCE OF MEMBERS

**Mr. Ruston:** Mr. Speaker, on a point of clarification and I believe a point of privilege: The member for Windsor-Riverside (Mr. Cooke) in his remarks the other day was talking about people not attending certain votes in this Legislature.

**Mr. Boudria:** Did he tell the truth?

**Mr. Ruston:** No, he did not.

In the vote on Thursday, October 20, 1983, he states, and I am reading from Hansard, "The following members of the Liberal caucus were absent." The member for Wentworth North (Mr. Cunningham) and the member for Victoria-Haliburton (Mr. Eakins) were two of the members mentioned. I have Votes and Proceedings of October 20. When the vote was taken, the members were both in their seats and are shown in Votes and Proceedings.

In the November 17 vote with regard to Bill 108 of the member for York South (Mr. Rae), the member said those who were absent were the member for Wentworth North, the member for Huron-Middlesex (Mr. Riddell) and myself. I have Votes and Proceedings for November 17, 1983. I voted, the member for Wentworth North voted and the member for Huron-Middlesex voted.

The other day I had to withdraw when I said he was misleading the House. Damn it, I do not think a person should be able to get up in this House, make a false statement and then when he is accused of it and we know it is false we have to withdraw. Here is the proof he made a false statement.

**Mr. Haggerty:** Run him through.

**Mr. Speaker:** And dirty the new sword? I want to be serious for a moment, if I may, and

respectfully point out that it is neither order nor privilege. Having said that, I point out that it is not up to the individual members, obviously, to keep track of who votes and who does not; that is the duty and responsibility of the table, and it is so recorded.

If members get up and make statements that are mistaken—

**Mr. Haggerty:** It is not honourable to make a statement like that.

**Mr. Speaker:** The record has proved what the member has said. The people were there, and there just is not any problem.

**Ms. Copps:** There is a problem.

**Mr. Speaker:** I know there is a problem, but it is not a problem with which I can deal. That is all I am saying. The member has made his point.

At this point, where were we?

**Ms. Copps:** Mr. Speaker, on the same point, perhaps you can clear this up if I misunderstood, but I understood you to say it was not a question of privilege. The reason I would like a clarification on this is that the remarks of the member for Windsor-Riverside were clearly meant to reflect badly on the voting records of members of our party.

If the members were present, as they clearly were according to the record, and if the member for Windsor-Riverside in his usual fashion distorts the facts and decides he will send this information to groups and organizations all over Ontario in an attempt to cast some doubt on the commitment of the Liberal Party to equal pay for work of equal value, then that is indeed a question of privilege and I think the Speaker should call upon the member for Windsor-Riverside to retract his statement and table the correct information in the House. He cannot make statements like that and simply walk away from them with impunity.

**Mr. Speaker:** With all respect, I must point out, as I said, that it is neither order nor privilege.

**Mr. Nixon:** Correcting the record, right? You allow that.

**Mr. Speaker:** Correcting the record if you wish, but it must be the honourable member who made the mistake in the first place who corrects the record.

**Mr. Nixon:** The member for Essex North (Mr. Ruston) was named in the incorrect statement. There has to be some way of correcting it.

**Mr. Speaker:** Just a minute now. Obviously it was a mistaken statement.



**Ms. Copps:** It is a mistake he has circulated across Ontario.

**Mr. Speaker:** All right. Order. All I am saying is that the recordings of the Votes and Proceedings of this House are on record. The member for Essex North has read them out; I allowed him to do that, and it completely corrects whatever misinterpretation may have been left out the public. But I know what you are saying.

**Mr. Nixon:** Mr. Speaker, on what basis then can a member get up to correct the record? So often you tell us, and we have to take your word as correct because you get the very best advice, that we are wrong all the time. Yet my colleagues feel there has to be some way in which they can protect themselves against the kind of information that might tend to mislead.

**Mr. Speaker:** If I may just correct one misinterpretation, when I get up and say that something is not order, privilege or whatever it may be, it does not mean I am correcting you or that you are wrong or whatever. I obviously have to hear out the member who is making the point, and this corrects whatever misinterpretation there may have been.

But the only correction of a record that could be allowed would be that of an individual member who is correcting his own record. I cannot correct somebody else's record.

**Mr. Wrye:** Surely one has the privilege to ensure that when one votes it is recorded.

**Mr. Speaker:** Yes, and that was the point I was making.

**Mr. Wrye:** That is privilege.

**Mr. Speaker:** Yes, that is what I have said. You can make a personal statement, of course.

**Mr. Cunningham:** Mr. Speaker, very briefly I would like to seek some clarification from you in this regard since I was one of the individuals mentioned on two occasions by the honourable member. Are you saying to us here today that we do not have a vehicle to defend our character and reputation in this House should we be maligned?

**Mr. Speaker:** Oh, sure.

4:10 p.m.

**Mr. Cunningham:** Are we denied that vehicle? I would like to put on the record that I very deeply resent the imputation that I do not support the principle of equal pay for equal work.

On a very brief personal note, my father died when I was 10 years old. I was raised by a woman who put the bread on our table, and fortunately in our society she was treated equally with other people. On that basis, I have a very deep commitment to that.

The imputation by the member is one I resent very deeply. I would be very upset if we in this chamber, as honourable members, lack the opportunity to correct the record and to defend ourselves against what I consider to be a very sleazy and scuzzy attack.

**Mr. Speaker:** I think I mentioned that any member may get up and make a personal statement, but it is very—

Interjection.

**Mr. Speaker:** Yes, with notice to me. It is very difficult not to make a ruling when members rise on a point of order or a point of privilege merely to gain the floor. It would be much better if they sent me a note and told me what they are going to do, then made their personal statement. That is no problem. That is the vehicle that can be used to correct the very point you are making.

**Mr. Cunningham:** Is it not a matter of privilege?

**Mr. Speaker:** No.

**Ms. Copps:** Mr. Speaker, I do not want to belabour the point, but the reason we are obviously very concerned about it is because the member for Windsor-Riverside has on more than one occasion passed out this alleged record as part of the Hansard process.

If you leave the record to stand as it stood on misleading statements made by the member with respect to the voting record and the commitment of other members of this House, then that member will be perfectly free to mail that out as the gospel of this Legislature without any kind of follow-up from the Speaker.

It seems to me the Speaker should have some vehicle at his disposal to ensure that when members' privileges are abused, when motives are imputed for alleged absences that did not even occur, there should be some way of redressing that in the record through Hansard so the member does not have the opportunity to carry out a vicarious attack on the commitment of this party.

**Mr. Speaker:** You are absolutely right. I think I mentioned what can be done through making a personal statement. Certainly the record has been corrected several times by various people this afternoon.

## INTRODUCTION OF BILLS

### WORKERS' COMPENSATION AMENDMENT ACT

Hon. Mr. Ramsay moved, seconded by Hon. Mr. Bernier, first reading of Bill 99, An Act to amend the Workers' Compensation Act.

Motion agreed to.

**Hon. Mr. Ramsay:** Mr. Speaker, as I indicated in my statement earlier today, we are splitting the bill. The section I have just introduced deals with the benefits package, the benefits increases.

4:47 p.m.

### WORKERS' COMPENSATION AMENDMENT ACT

Hon. Mr. Ramsay moved, seconded by Hon. Mr. Bernier, first reading of Bill 101, An Act to amend the Workers' Compensation Act.

The House divided on Hon. Mr. Ramsay's motion, which was agreed to on the following vote:

#### Ayes

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Brandt, Cousens, Cureatz, Dean, Drea, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Henderson, Hodgson, Johnson, J. M., Jones, Kells, Kennedy, Kerr, Kolyn, Lane, Leluk, MacQuarrie, McCaffrey, McCague, McEwen, McLean, McMurtry, McNeil, Mitchell;

Norton, Piché, Pollock, Pope, Ramsay, Robinson, Rotenberg, Runciman, Scrivener, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Villeneuve, Walker, Watson, Wells, Williams.

#### Nays

Allen, Boudria, Bradley, Breagh, Bryden, Cassidy, Charlton, Cooke, Copps, Cunningham, Di Santo, Eakins, Edighoffer, Elston, Epp, Foulds, Grande, Haggerty, Johnston, R. F., Kerrio, Laughren, Lupusella;

Mackenzie, Mancini, McClellan, McGuigan, McKessock, Miller, G. I., Newman, Nixon, O'Neil, Peterson, Philip, Reed, J. A., Reid, T. P., Renwick, Riddell, Roy, Ruprecht, Ruston, Samis, Sargent, Spensieri, Stokes, Swart, Sweeney, Van Horne, Wildman, Wrye.

Ayes 63; nays 49.

### ATTENDANCE OF MEMBERS

**Mr. Wrye:** Mr. Speaker, on a point of privilege: To be helpful to the House and to my

friend the member for Windsor-Riverside (Mr. Cooke), I want to indicate that the members for Wellington South (Mr. Worton), Kitchener (Mr. Breithaupt) and Renfrew North (Mr. Conway) were the only Liberal members absent. I hope he will get that accurate.

**Mr. Cooke:** Mr. Speaker, on a point of privilege: Just to continue the flow from the west end of Windsor to the east end of Windsor, I would like to correct the record.

I have been a member of the Legislature for seven years as of last Saturday, and this is the first mistake I have made.

Interjections.

**Mr. Speaker:** Order.

**Mr. Cooke:** I would like to point out to my friends on the right, and some might say the extreme right, that I was wrong whenever I spoke on Bill 141. I would apologize to the member for Wentworth North (Mr. Cunningham) and the member for Huron-Middlesex (Mr. Riddell). I believe I indicated they were not here for the vote on the bill by the member for Hamilton Centre (Ms. Copps) and they were here.

I could read the names of the rest of the members who were not here, but the record is now correct. All the rest of them were away.

### BIRTHDAY OF MEMBER

**Mr. Di Santo:** Mr. Speaker, on a point of privilege: On a different note, can I just—

**Mr. Ruston:** Mr. Speaker, the honourable member failed to correct the record. He did not mention my name and I was here for the vote.

**Mr. Speaker:** Order. I have already recognized the member for Downsview. Then we will go back to the member for Windsor-Riverside (Mr. Cooke).

**Mr. Di Santo:** Mr. Speaker, my colleagues are fighting. On a different note, I want to express our wishes to the member for Dovercourt (Mr. Lupusella) on his 40th birthday.

**Mr. Speaker:** If I had known that, I would have baked a cake. Congratulations. Did the member for Windsor-Riverside want to say anything else?

Interjections.

### ATTENDANCE OF MEMBERS

**Mr. Cooke:** Mr. Speaker, as one of my colleagues said, I only correct the record one day at a time. I will have to check the record and the research and put our whole research team to work. I do not remember quoting the member for Essex North (Mr. Ruston), but I will look at



Hansard and, if I am incorrect, in due course I will correct the record.

### MUNICIPAL TAX SALES ACT

Hon. Mr. Bennett moved, seconded by Hon. Mr. Timbrell, first reading of Bill 102, An Act respecting the Sale of Lands for Arrears of Municipal Taxes.

Motion agreed to.

### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, I wish to indicate there is a slight change in the business paper. Tonight, as well as considering Bills 74 and 88, we will also consider government notice of motion 6 standing in the name of the Treasurer (Mr. Grossman) for interim supply.

### ORDERS OF THE DAY

#### THIRD READINGS

The following bills were given third reading on motion:

Bill 41, An Act to amend the Public Commercial Vehicles Act;

Bill 45, An Act to amend the Highway Traffic Act;

Bill 54, An Act to amend the Public Service Superannuation Act.

### ONTARIO UNCONDITIONAL GRANTS ACT

Mr. Rotenberg moved, on behalf of Hon. Mr. Bennett, third reading of Bill 59, An Act to amend the Ontario Unconditional Grants Act.

**Mr. Speaker:** All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

5 p.m.

#### THIRD READINGS

(continued)

The following bills were given third reading on motion:

Bill 65, An Act respecting a Convention between Canada and the United Kingdom of Great Britain and Northern Ireland providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters;

Bill 67, An Act to amend the Milk Act;

Bill 71, An Act to amend the Assessment Act;

Bill 72, An Act to amend the Corporations Tax Act;

Bill 73, An Act to amend the Small Business Development Corporations Act.

House in committee of the whole.

### EMPLOYMENT STANDARDS AMENDMENT ACT (continued)

Resuming the adjourned consideration of Bill 141, An Act to amend the Employment Standards Act.

On section 1:

**The Deputy Chairman:** We are dealing with the amendment by the member for Hamilton East (Mr. Mackenzie) to Bill 141 to provide for equal pay for work of equal value.

**Mr. Renwick:** Mr. Chairman, I would like to speak briefly on the bill.

The parliamentary assistant will be aware that I spoke last December on second reading of the bill, and I had a very brief opportunity to comment since the bill has been in committee with respect to the previous amendment to this section.

I want to make a couple of comments about it in the hope the parliamentary assistant will be in a position, with the immense authority he carries in this assembly and in the ranks of the government, to indicate quite clearly that it is his intention to adopt the amendment that has been placed before the assembly by the member for Hamilton East. His amendment is, of course, to provide clearly and adequately the mechanism by which the principle of equal pay for work of equal value can be enshrined in the legislation that is before us and in the labour law of the province.

I suppose I need to refresh the memory of the parliamentary assistant briefly with respect to the questions I put in the assembly, and to which there was no particular response on second reading of the bill, about the semantic problem he is creating when he attempts to indicate that anybody will be able to understand the nature of the change that is being introduced or proposed by the government in the law of the province.

When we looked at the Employment Standards Act in the Revised Statutes of Ontario, 1970, we had the following wording: "for the same work performed in the same establishment, the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions." That was the initiation of the question of the equivalence of pay to work in the province.

I think it is obvious where it came from. It came from the United Kingdom statute, which was passed, strangely enough, in the same year



and in which the same language was used. I am not an expert in what the course of the English statute was, but as is often the case with respect to labour law, this government reflects in its laws here what has been passed in the Parliament of the United Kingdom. They seem unable to comprehend in any way the need for independent initiative on the part of this government.

Then we had the amendment in 1974. The following wording was introduced, "for substantially the same kind of work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility...." On the question of equal pay for equal work, that change perhaps reduced to a small degree the extent and degree of the rigidity that was included in the original statute in 1970.

Now we have before us the following words, "...for substantially the same kind of work performed in the same establishment where the work requires,

"(a) substantially the same skill, effort and responsibility and the work is performed under similar working conditions; or

"(b) substantially equivalent or greater skill, effort and responsibility under similar working conditions when the skill, effort, responsibility and the working conditions are considered as a whole and not individually."

What confusion the government is introducing into the law of the work place in the province, when the first thing either an employer or an employee, trying to question whether it is in conformity with the law or whether the law is providing the employee with the benefits to which he is entitled, has to do is run to a lawyer to find out what the intention of the government was and what expansion was intended by the government, when we play semantic games with legislation with respect to equal pay for work of equal value.

In the discussion of this bill, I want the parliamentary assistant to tell us in what specific way this change in the language is going to affect anyone in factual situations that must be available to the ministry. It sounds very much to me as if the lawyers have been asked to prepare a form of words that will camouflage the decision of the government to move in a microscopic way on a matter of basic principle, but no factual information is available.

What situations will be covered if we pass the bill as the government has asked us to that were not covered by the legislation now in place in the province? For example, the government must have a tremendous range of information avail-

able to it on the question of comparisons of work and the factors that go into making those comparisons. From those who have been protagonists of the principle of equal pay for work of equal value, many instances have been put forward. Some of them are so ludicrous as to make us wonder how they could have escaped the net of the law even under the present legislation.

Others, however, must be within the precise framework of business operations about which the government is knowledgeable and about which it has had complaints on the question of equal pay for work of equal value under the existing law, but has had to turn them down because the language was simply equal pay for equal work instead of equal pay for work of equal value.

**5:10 p.m.**

This is in committee of the whole House and we have to understand that. We have to get some flexibility in the exchanges that take place. I would like to know what information the parliamentary assistant is going to put before the committee that will indicate the extent and degree of the change he proposes. Without that, I stand convinced that it is microscopic, legalistic and unlikely to affect any significant number of people in any way.

When I spoke in committee very briefly in the course of an exchange I had with the parliamentary assistant following comments made by some of my colleagues on this matter, I tried to get across to him the fundamental problem we have in society of the inequality in pay and benefits for women in the work place as compared to that for men in the work place. Basically, the work of women has always been considered to be essential but subordinate and inferior, whereas the work of men has tended to be described as essential and, therefore, superior.

What the parliamentary assistant refers to as the "attitudinal response" to the problem of inequality in the work place is so fundamental and so ingrained in this society that, in my view, it is essential for the government to embrace the proposition of equality. That is important from my point of view and from my perspective on the bill before us.

We have attempted in the amendment we proposed, which is before the assembly, to say clearly and unequivocally, without any doubt, that the principle is equal pay for work of equal value. Once that principle is established, an obligation is imposed on employer and employee to make the decision on whether the work is of



equal value. The mechanism is provided in the amendment before the House for a process to be developed to carry out that equivalence. It seems to me to be quite simple to deal with it in that way.

I ask the parliamentary assistant two basic questions up to this point. First, what change from the factual situations and the knowledge available to the ministry will the wording proposed by the government create in the work place to equalize in some degree the discrepancy between the pay of men and women in the work place? Does he not feel that, rather than using the term "one of a number of weapons in an arsenal," which I believe is a phrase he has used from time to time, we must distinguish very clearly between the principle and the number of weapons in his arsenal to bring the principle into play.

Until the principle is adopted, and this is my second question to the parliamentary assistant, is there not something which appeals to him that says the principle should be enshrined in the legislation and the attitudinal and other changes he refers to as the arsenal should be brought into play against a background of legislative fiat? That point deserves his response.

I suppose the parliamentary assistant noticed, as I noticed a couple of weeks ago in the *Toronto Star*, an article by Richard Gwyn in his column headed "National Affairs" and entitled "The Real Issues in the Question of Equal Pay." I tried to understand what Richard Gwyn was saying in the context he was referring to of the comments made by Jean Chrétien about the question of equal pay for work of equal value. He also referred to the positions of Brian Mulroney and John Turner on the matter, which had led him to write the column.

The basic number of confusions that could be compressed into one article on this matter has been accomplished by Mr. Gwyn. Rather than referring to it as "The Real Issues in the Question of Equal Pay," this column should have been headed "How to Avoid Ever Bringing Equal Pay into Force as a Principle of the Work Place in the Relations between Men and Women."

He stated: "The other day, Jean Chrétien performed a most unusual political act. He told a group of Toronto Liberal women what they did not want to hear. As his leadership rival John Turner has done, and equally so Progressive Conservative leader Brian Mulroney, Chrétien declared he supported a policy of equal pay for work of equal value and its extension to private companies doing business with Ottawa. But Chrétien, uniquely, then went on to be honest:

Doing this would not be easy, he warned, and there was a risk of 'giving the appearance of action without making real change.'"

He then raised the rhetorical question as to whether any one of the three, or at least the other two, had adopted this principle simply because it was a catchy phrase which had some appeal in the present political climate. They did not dare not adopt the view of equal pay for work of equal value but they really did not know what issues were involved.

The fundamental issue is equality and the fundamental problem is discrimination. Yet one will find very little in the article to which I refer that deals with the question of discrimination. The great bulk of the article—and I am interested to see the parliamentary assistant appears to be reading it—is devoted to the proposition that there is no discrimination. He uses all sorts of examples to indicate it is not discrimination. If the parliamentary assistant does not agree it is discrimination, then I find it difficult to have a discussion with him in this assembly on that question.

First, Mr. Gwyn said, "It is likely circumstances rather than discrimination." The circumstances he cited are that most women marry, have children and drop out of the work force entirely or part-time. Therefore, when they return to the work force, they are not in the same position to compete as men who have remained in the work force, married or otherwise. If one says most men marry, most men have children, the same as women have children, then one finds the unusual situation that the woman is forced to drop out of the work force but the man is not. Otherwise, they are equivalent.

In collective bargaining negotiations and in some statutory requirements, some of which are in this bill, some real steps have been taken to remove that inequality; to provide for pregnancy leave from work, for continuation of benefits, for protection of seniority and to provide, in many cases, maternity leave on the basis of sharing between men and women. Efforts can be made by way of legislation and by way of collective agreement to reduce that discrimination. To call it a difference in circumstances seems to me to be a complete misunderstanding of the problem.

**5:20 p.m.**

He then went on to quote a quite unusual study. It is the kind of study that only the Fraser Institute in British Columbia would think had some relevance. "In a 1982 study, the Fraser Institute found the earnings of unmarried women over 30 are 99 per cent of those of unmarried men



who similarly have to provide for themselves but for no one else."

I do not quite know what that is supposed to say. I do not know whether that is supposed to say there is no discrimination; that given equality of circumstance but avoiding the term "discrimination", women over 30 are substantially the same in their earning capacity as men over 30 provided the men and women are, in each case, unmarried. Even he found that a little bit difficult to adopt.

He indicated that, in his opinion, "Unmarried women are better educated, work longer hours and are a bit older than comparable men. So their incomes ought to be higher, rather than just equal." He ducked again the question of whether there is discrimination in circumstances such as that. He appeared to indicate, if anything, that the women should be paid more than men.

I do not need to go through the whole of the unacceptable arguments that Mr. Gwyn put forward, because they would give some solace to the government in persisting with the legislation it has put before us.

He had this to say: "Conscious or unconscious discrimination...may be the least important factor of all." He went on to say that occasionally "it is maliciousness, more often it's sheer thoughtlessness."

Just answer that. If one has an attitude in society based on the proposition that the work of women is essential but subordinate and the work of men is essential but superior, then it is very difficult to break through that attitude and say that when one runs into an instance of essential work being done by a woman and essential work being done by a man it is very difficult to build a bridge between the two examples.

Therefore, one cannot call it discrimination, because it is not discrimination in any real sense of the term. It is either maliciousness, which presumably the law is adequate to deal with, or it is mere thoughtlessness. If it were just drawn to the attention of the people who were thoughtlessly discriminating, they would see the error of their ways and correct their attitude.

I do not presume to understand the thinking of Mr. Gwyn on this issue, nor do I pretend to understand how he reaches the examples which he then gave. He quoted some of the examples with respect to the Canadian Human Rights Commission and some other cases that are pending before the Canadian Human Rights Commission.

He went on to indicate a "perverse result" could follow, "particularly because 'equal value'

comparisons can effectively only be made in hierarchical, bureaucratic organizations, governmental or corporate. But such employees are... already better off than most Canadian workers of either sex."

I emphasize the word "only." He is saying it is beyond the wit of people, except in bureaucratic organizations, either corporate or governmental to have the kinds of comparisons that we are urging should be throughout the whole of the employment work place world of Ontario.

He comes out very strongly against extending the program to companies doing business with Ottawa, which of course is within the question of the constitutional ambit or authority of the federal government. He hopes that the matter will not be imposed upon private companies that have their own payroll costs and problems and that likely it will be the women who will suffer because of less seniority.

Of course, that has been customary for a long time. As soon as we do something to make women equal with men in terms of conditions of employment, usually the woman in the initial instance ends up penalized by that equality.

That happened in Ontario when we established some equality of working conditions. Immediately, one of the major companies ceased sending its female employees home by taxicab if they worked after 11 p.m., because it was found it would otherwise be treating its employees differently and discriminating one against the other. Fortunately—if my memory serves me correctly—we were able to correct that so the female employees of the particular companies could take taxicabs to their homes as they had done over a considerable period.

The parliamentary assistant has the balance of the article. It ends up using the argument that the unemployment rate among women now is lower than among men, and by as much as one quarter among those aged under 24; therefore, the problem of equal pay for work of equal value does not appear to have the same force it once had as an issue of public concern to women in the society.

That article seems to me to run counter to an article which the parliamentary assistant has undoubtedly read. If he has not had an opportunity to read it, he should take a few minutes to read the article by Her Honour Judge Rosalie Silberman Abella, republished in the March 1984 issue of the Law Society Gazette, one of the publications of the Law Society of Upper Canada. It is entitled "The Critical Century: The Rights of Women and Children from 1882-1982."



Her fundamental position is that, apart from the flurry at the turn into this century with respect to the right to vote and the suffragette movement, the position of women between 1882-1982, except for the last 10 years, has been substantially unaltered. She has some very interesting and valuable things to say about the whole of that period of history and women's relation to it.

I would like to very briefly draw to the parliamentary assistant's attention the fundamental contradiction that, for reasons I do not understand, the subordinate position of women in society in the work place has been camouflaged by an equal dissertation about the value of the family as a unit. In some way or other, the women, rather than being in the work place, should be in the family respecting those values of the family within the society. We no longer have to talk about women as individuals entitled to equality in the society but as women within their roles within a family.

6:30 p.m.

She has a considerable amount to say about the way in which that particular conception of the place of women in society has affected the world in which we live. She says the equality in her opinion of "social and economic rights could be achieved only by attitudinal revisions"—which would appeal to the parliamentary assistant; but she then says—"which in turn required statutory impetus."

She quotes John Stuart Mill, who at that time was a precocious and lonely voice, when he wrote: "The legal subordination of one sex to the other is wrong in itself and now one of the chief hindrances to human improvement. It ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side or disability on the other." That is a quotation from John Stuart Mill in his essay *The Subjection of Women*, which was published in 1869.

She then goes on to refer to changes that have taken place in connection with the law of marriage and the law of property in relation to marriage only within the last few years in Ontario and, indeed, in our part of the world. She has this to say:

"Canada also got explicit jurisprudential recognition of the notion that marriage is an economic and social partnership of equals. With this recognition of equal status in marriage, the possibility now exists that attitudes to and assumptions about women will permit the full development of the right to sexual equality.

"One of the most persuasive barometers for measuring the existence of gender equality is the

one proposed by economist Gail Cook; namely, are the whole range of advantages and disadvantages or costs and benefits of particular choices unrelated to one's sex? If so, we have equality of opportunity of choice between sexes. If not, and clearly we do not in Canada, then women are still being discriminated against."

She goes on to illustrate the applicability of this to the Canadian situation. She then refers in a hopeful way to the newly entrenched Charter of Rights.

"With the newly entrenched Charter of Rights, there is infinite opportunity to explore the parameters of equality of rights. Many of the obloquies directed at the charter focus on the history of judicial restraint in the interpretation of rights legislation such as the 1960 Canadian Bill of Rights. The more optimistic, however, look to the judiciary to clear the debris of traditional stereotyping by interpreting the charter as broadly as they would any other remedial legislation.

"With the guidance of positive judicial direction and the complementary amendment of discriminatory legislative provisions, at least social behaviour will be forced to change. One can only hope that attitudinal equality will follow. Only then will the inchoate rights of women to equality materialize."

I suppose this is the point at which the parliamentary assistant and I disagree. He says we must have, if anything, only incremental, marginal, microscopic changes in law because we must await the changes in attitude. I commend to the parliamentary assistant the article to which I have just referred, which says simply that the process must be reversed. We have a charter. With complementary legislative changes to end the kind of discrimination that I trust will be in opposition to the charter, it will then be possible to have attitudinal change affect the behaviour of people under the pressure of an adequate legislative framework.

There is no doubt that it was quite a well-known statement by Dean Roscoe Pound at the Harvard Law School when he said, "Of course, people say that you can't legislate morals or standards of behaviour, but in fact we legislate little else."

I commend that to the parliamentary assistant. A clear, ringing declaration of principle enshrined in the statutes of Ontario in this Employment Standards Act would be an indication that this assembly of representatives of people from across the province believes there should be changes in attitude, backed by the law,



which will bring about a reversal of the situation of inequality that currently exists.

The history of that inequality is ancient and very long. I do not intend to pretend in a debate such as this either to create the illusion that I understand it or that I have in any way studied the whole of the problem of the relationship of men and women which has led us to the situation of the degree of subordination of women to men in society and all the aspects of it.

I did find one quotation from one of the great thinkers of the 19th century, Charles Fourier, which is an apt way of expressing the philosophical, spiritual, idealistic and moral position behind the question of equality which I commend to the parliamentary assistant. "The change in a historical epoch can always be determined by the progress of women towards freedom, because in the relation of woman to man, of the weak to the strong, the victory of human nature over brutality is most evident. The degree of emancipation of women is the natural measure of general emancipation."

As a test of civilization, that is not a bad way of gauging whether a society is moving rapidly and carefully towards the achievement of equality so that test would stand up as the measure of the degree to which a civilization is improving, advancing and righting some of the wrongs of the past.

There are many other elements we might have an opportunity to come back to, unless this debate were to conclude today.

I thought I would conclude my remarks by referring to the conclusion of Judge Abella's article.

"It has been said that one person's truth is another person's tyranny. In the history of the development of the rights of women," and she was also writing about children, "and children in the past century, a development which in each case was relatively stagnant until 10 years ago, each growing awareness created an adversarial climate while the right claim fought to be entrenched. The development of women's rights were perceived to be at the expense of the rights of men, children's rights at the expense of those of their parents.

"In fact, no rights are jeopardized. Expectations may be bruised but nothing in the way of rights as we legally define them is at risk because of these two powerful social movements. The risk is rather the other way around. By failing to accommodate and synchronize the various legitimate claims to full rights on the part of women and children, we encourage an unproductive

competition of claims. What this competition puts at risk by not permitting full membership rights in the community is that society will be less than it could otherwise become. There are few things we should try harder to avoid."

**5:40 p.m.**

I have spoken in somewhat idealistic terms in my approach to this problem. In practical terms, if one looks at the history of labour legislation in this province from the end of the second war until today, what one basically finds is that when the process of collective bargaining under the labour relations laws of the province—which were part of a treaty between the working people of the province and the government established in 1943 and 1944 with the enactment of our Labour Relations Act—when the collective bargaining process had produced results that were of benefit to the economy and the relations in the workplace of employers and employees, we usually then found the government took portions of it and enshrined them in the general employment law of the province under the Employment Standards Act in the guise of passing labour legislation.

I trust the government is not doing that with the question of equal pay for work of equal value. I trust the government is not saying: "We are going to leave it to the labour movement to negotiate equal pay for work of equal value. We are going to leave it to the labour movement to negotiate all the ancillary benefits that are necessary in order to approach that kind of equality in the workplace, such as day care, participation in pension plans, no penalties for absence from employment because of pregnancy or maternity leave; without any of those causes or reasons." I trust the government is not trying to put the technical changes piecemeal into the employment standards law of Ontario without at the same time embracing the principle involved in it. That principle is one of equality.

I do not know what impact this has on the parliamentary assistant. While he has a great deal of charm, he may have very little clout where it counts, namely, in the counsels of the government. I do not know whether he can pick up the phone tonight and say to the Minister of Labour (Mr. Ramsay): "I have on this further occasion listened to the debate in this assembly on this important issue and I think we should reconsider. I think we should withdraw the bill or adopt the amendment."

We do not have any side; we would be happy to withdraw our amendment on the understanding he would introduce as a government amendment one identical to that before the assembly



tonight. The goal is much more important than who happens to introduce it.

The parliamentary assistant could say to the minister: "Let us think about this because there is a lot to be said for the principle. Let us say that, yes, we will put in the Employment Standards Act the principle of equal pay for work of equal value. We will not just move forward incrementally."

Of course, on a day such as today I would assume the government would be most receptive to that view. Equality was a very important factor in the statement made today about the educational system in Ontario. I simply embrace that concept of equality. The equality of educational opportunity for children within the school system is one of fundamental importance to where we are going.

I say to the parliamentary assistant in that spirit that the equality of men and women in the work place, let alone their equality in all conditions of human life in the province, is equally important. For those reasons, at least at this juncture in the debate, I would be quite content to let the matter stand and have the parliamentary assistant perhaps simply say he adopts the amendment and the government will support it, or that if we could withdraw the amendment, he would introduce a substantially similar amendment and we could all vote on it and get on with the other business of the assembly.

There may, however, be unanswered questions. Some of my colleagues may want to participate further in the debate on the bill. If that is so, so be it. There may be another occasion on this clause of the bill when I too may participate again on this clause of the bill.

**Mr. Gillies:** Mr. Chairman, I would be happy to reply to the honourable member now, or if there are no other speakers I could reply by way of a wrapup.

**Mr. Chairman:** There is no real wrapup in committee. Are you going to respond to that speaker?

**Mr. Gillies:** I will respond to this speaker. I have a feeling we are not near a wrapup in committee, practical or otherwise. I would like to spend a few minutes in replying to the member. He has certainly raised a number of issues, both on the specifics of Bill 141 and, as he noted, on some of the questions of philosophy and principle with which we are wrestling.

If I might be allowed a brief editorial comment, and I am not saying this gratuitously, it was nice to listen to the member and see a tone, a degree of thought, return to this debate which I

sensed was lacking in many of the contributions on this bill in the last number of days. We are back at long last to talking about the principle of the bill and the amendment as opposed to discussing who was here for which vote, who was more committed to the principle, and the sort of nonsense we were getting into at the last sitting.

I assure the member I have read and considered the column in the *Toronto Star* written by Mr. Gwyn the other week. Like the member, I find very little in that column to attract me. It avoids some of the major questions of equal pay for equal value legislation which we are addressing.

The crux of Mr. Gwyn's column, as far as I could see, fell at about the fifth paragraph where he says the principal income handicap that hinders women is less their sex than that they get married, have children and drop out of the work force entirely or part-time.

In other words, he speaks only to the practical problems and the situation in which working women often find themselves. As the member for Riverdale (Mr. Renwick) noted, he does not speak to the broader question of discrimination or anything related to the principle of equality for all working people in the labour market.

I am the first to agree with the member that there is much more to this debate than the question of the number of months a woman is out of the work place because of child bearing, etc. I suppose it is impossible to prove—maybe we never could prove it—but I would hazard a guess that if one discounts the question of time taken away from the work place because of pregnancy and child bearing, we would still be faced with a gender gap. It is not just a practical situation. There is also a question of principle to be addressed, which the member put into a historical context, as he so often does.

Where we again part company is on the question of the comparison of dissimilar work. As persuasive as the member's arguments were, as they usually are, we in the government are not persuaded of the practicality of the amendment as put forward by his party. I do not consider the changes made in Bill 141 to be microscopic. They are quite significant. I will talk about that in a minute. What we want to do is to bring about amendments to this legislation which are enforceable and which will lead to a practical improvement of the situation of working women.

**5:50 p.m.**

As the member requested, I can give a couple of examples of how we feel this legislation will



improve the situation over the legislation in place now. In order to do that, I would like to bring us back to the original thought behind our amendment to the existing legislation, which is to bring in a composite test that will allow for a broader and a more thorough and honest appraisal of the conditions of work than the "skill, effort, responsibility and working conditions" which are now only singly considered under our existing legislation. There is no provision for an across-the-board look at these conditions.

I guess one example of that, to take a little example of two factories in a related industry, would be to say that men were making large machined metal tubes and in a similar facility nearby women are making small machined metal tubes. Under the existing legislation, it may be argued that for the men making the big tubes, because of the weight of the piece they are manufacturing, the movement of those pieces and so on, the effort involved in making those tubes may be greater.

We may similarly argue that because of the more intricate work involved for the women making the smaller tubes, it requires more skill. Here is a practical example of where the existing legislation could not adjudicate a case for comparing those two types of work. Because we would not be comparing in the composite approach the overall conditions, it would just be a question of the employment standards officer saying, "Certainly the effort is greater in this case and the skill is greater in this case, but there is no comparison we can make individually among the four criteria that we use."

Under our legislation in Bill 141, the employment standards officers will be able to do that. I feel, and my hope, especially with the added complement that we are making to the employment standards branch, is that in many cases across the province they will be making judgements of that sort and making very reasonable arguments in many cases for adjusting the wages of the people who are being aggrieved.

If the member would allow me, I might just cite another example, one that the ministry has run up against. Here is a practical example of where we might be able to go further with Bill 141.

If we look at the operation of a sewing machine concern where there is a lot of sewing of fabric going on, most of the operators of those machines would be women. Those holding the position of "sewing machine operator, finishing and trim" do fine sewing work, are all female and receive a lesser rate of pay than those who hold

the position of "sewing machine operator, initial seam," who do a heavier type of sewing work and most of whom in this particular case are male. Based on the fact that both jobs require operation of sewing machines, the employment standards investigator makes an initial determination that the jobs are substantially the same.

Turning to the Canadian Classification and Dictionary of Occupations criteria, the investigator finds there is not a separate classification for the two jobs, which confirms that the initial assessment was correct. Accordingly, the investigation proceeds to the comparison of the jobs on factors.

Under the current legislation, the equal pay rule does not apply unless the jobs being compared involve substantially the same skill, effort, responsibility and working conditions. Because initial seam sewing requires greater effort, the equal pay requirement does not apply.

However, under the composite approach those jobs would be compared in a composite sense across the board rather than being ranked just on the individual and different factors. Although the initial seam sewing would rank higher on one factor, for instance, physical demand, the finishing and trim work would be ranked higher in terms of skill or the complexity of the work. Based on an overall comparison of those two jobs, our employment standards officers would now be able to make a meaningful comparison of the two jobs, and I would think in that case render a judgement that would be positive for the female employees who were being underpaid.

In terms of the overall philosophy of what we are doing, again I want to assure the members—and I am sure the Minister of Labour has said this during the course of second reading debate or in committee—that part of what we are about with Bill 141 is definitely to address the question of discrimination.

We do not agree with any columnist who says the situation we are addressing has come about because of practical considerations, because of time and circumstances. We believe a question of principle and of discrimination has to be addressed here. We do not accept or condone any suggestion that the work of women in the workplace in this province is in any way subordinate, however essential, to the work of men. We do not accept that.

Based on the best advice available to the ministry, especially the work done for us by Professor Gunderson, we believe the steps we are taking can close the unacceptable gender gap in pay by about five per cent. In the work he did on



behalf of the ministry, Professor Gunderson said, and I am quoting from the committee Hansard when the minister was speaking to this:

"During our ongoing consultation with Professor Gunderson, he stated the maximum feasible impact of the composite approach would be to raise female wages relative to male wages by about five percentage points, with the actual figure probably being smaller. In other words, a gap of 63 per cent would be closed to 68 per cent at maximum." The minister went on to point out that is not in the Gunderson report, but is in the discussion reports that went between him and the minister.

The minister continued: "On equal value, in his paper on the wage gap, Professor Gunderson concluded that while the potential of equal pay for work of equal value is clearly broader than current equal pay legislation, it would also have its own associated problems and, 'it cannot hope to completely close the discriminatory gap.' In other words, at no point did he say two percentage points." That was a wrong impression that came up in the committee.

I have to say again we believe we are attacking the practical problem and the problem of principle with what we are about. I know the member for Riverdale was in France and perhaps has not seen all the Hansard discussion in the last couple of weeks. I would urge the member to review some of the arguments being made for equal value by some members of the opposition. I do not say this to be partisan or smart. One thing that became very apparent to me during the debate is that so many of the arguments being made in favour of his party's amendment did not really speak to the question of equal value; they were on the question of equal pay.

On a number of occasions, members talked about the historical development of equality, in the teaching profession, for instance. Somebody

said, and this has come up on a few occasions, "We do not pay female MPPs or ministers less than we pay male MPPs or ministers." Granted, and there is no argument on the justice of that; but to me that does not speak to equal value. Obviously, when we are talking about all the people in the teaching profession or all the members of the Legislature, we are talking about similar work.

**Mr. Nixon:** There are other forms of sexism.

**Mr. Gillies:** Yes, but we are talking in those two cases about areas where we feel a meaningful comparison can be made. There is no disagreement on that whatsoever.

I have said before, and at the risk of being repetitious I will say again—I am sure members will bear with me because it has been a lengthy debate—we do feel our approach is different, but we also feel it can be as effective as the one being proposed in the third party's amendment. We have to look at the experience in other jurisdictions. My belief is that our amendments, through Bill 141, with the correct degree of enforcement we propose to put behind them, can go a long way to closing the gender gap and ending discrimination in the work place in the province.

We do have some concerns, as the minister and the Minister responsible for Women's Issues (Mr. Welch) have said, about the implementation and the practicality of what is being proposed in the amendment. There is no problem on this side of the House with the principle of equality in the work force and we will continue to work towards that principle.

I have an eye to the clock and wonder if this might be an appropriate place to break.

On motion by Hon. Mr. Eaton, the committee of the whole House reported progress.

The House recessed at 6 p.m.

CONTENTS

Tuesday, June 12, 1984

Statements by the ministry

Davis, Hon. W. G., Premier:	
<b>Roman Catholic secondary schools</b> , Mr. Rae, Mr. Peterson .....	2414
Ramsay, Hon. R. H., Minister of Labour:	
<b>Workers' compensation amendment bill</b> .....	2418
<b>Oral questions</b>	
Bennett, Hon. C. F., Minister of Municipal Affairs and Housing:	
<b>Barrie-Vespra annexation bill</b> , Mr. Epp, Mr. Breagh .....	2425
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations:	
<b>Surnames of children</b> , Mr. Boudria .....	2427
Norton, Hon. K. C., Minister of Health:	
<b>Community hospitals</b> , Mr. Stokes.....	2427
Ramsay, Hon. R. H., Minister of Labour:	
<b>Workers' compensation amendment bill</b> , Mr. Mancini, Mr. Lupusella, Mr. Wrye, Mr. Rae.....	2421
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities:	
<b>Overcrowding of separate schools</b> , Mr. Rae, Mr. Ruston .....	2423
Timbrell, Hon. D. R., Minister of Agriculture and Food:	
<b>Tendering practices</b> , Mr. Swart .....	2429
Welch, Hon. R. S., Deputy Premier and Minister responsible for Women's Issues:	
<b>Ontario Status of Women Council</b> , Mr. Wrye, Ms. Bryden .....	2428
Wells, Hon. T. L., Minister of Intergovernmental Affairs:	
<b>French-language services</b> , Mr. Roy, Mr. Cassidy .....	2430

Petitions

<b>Sale of beer and wine</b> , Mr. Boudria, tabled .....	2432
<b>Independent schools</b> , Mr. J. A. Reed, Mr. Epp, Mr. Barlow, Mr. Kolyn, tabled.....	2432
<b>Inflation Restraint Act</b> , Mr. J. A. Reed, tabled.....	2433

First readings

<b>Workers' Compensation Amendment Act</b> , Bill 99, Mr. Ramsay, agreed to .....	2436
<b>Workers' Compensation Amendment Act</b> , Bill 101, Mr. Ramsay, agreed to .....	2436
<b>Municipal Tax Sales Act</b> , Bill 102, Mr. Bennett, agreed to .....	2437



**Third readings**

<b>Public Commercial Vehicles Amendment Act</b> , Bill 41, Mr. Snow, agreed to . . . . .	2437
<b>Highway Traffic Amendment Act</b> , Bill 45, Mr. Snow, agreed to . . . . .	2437
<b>Public Service Superannuation Amendment Act</b> , Bill 54, Mr. Ashe, agreed to . . . . .	2437
<b>Ontario Unconditional Grants Act</b> , Bill 59, Mr. Bennett, Mr. Rotenberg, agreed to . . . .	2437
<b>Reciprocal Enforcement of Judgements (U.K.) Act</b> , Bill 65, Mr. McMurtry, agreed to . . . .	2437
<b>Milk Amendment Act</b> , Bill 67, Mr. Timbrell, agreed to . . . . .	2437
<b>Assessment Amendment Act</b> , Bill 71, Mr. Gregory, agreed to . . . . .	2437
<b>Corporations Tax Amendment Act</b> , Bill 72, Mr. Gregory, agreed to . . . . .	2437
<b>Small Business Development Corporations Amendment Act</b> , Bill 73, Mr. Gregory, agreed to . . . . .	2437

**Committee of the whole House**

<b>Employment Standards Amendment Act</b> , Bill 141, Mr. Ramsay, Mr. Renwick, Mr. Gillies, recessed . . . . .	2437
--	------

**Other business**

<b>Death of Bill Mahoney</b> , Mr. Rae, Mr. Ramsay, Ms. Copps, Mr. Drea . . . . .	2413
<b>Annual report, Commission on Election Contributions and Expenses</b> , Mr. Speaker . . .	2414
<b>Visitors</b> , Mr. Speaker . . . . .	2432
<b>Responses to questions</b> , Mr. Wildman, Mr. Nixon, Mr. Speaker, Mr. Wells . . . . .	2433
<b>Attendance of members</b> , Mr. Ruston, Mr. Speaker, Ms. Copps, Mr. Nixon, Mr. Cunningham . . . . .	2434
<b>Attendance of members</b> , Mr. Wrye, Mr. Cooke . . . . .	2436
<b>Birthday of member</b> , Mr. Di Santo . . . . .	2436
<b>Attendance of members</b> , Mr. Cooke . . . . .	2436
<b>Business of the House</b> , Mr. Wells . . . . .	2437
<b>Recess</b> . . . . .	2445

**SPEAKERS IN THIS ISSUE**

Barlow, W. W. (Cambridge PC)  
Bennett, Hon. C. F., Minister of Municipal Affairs and Housing (Ottawa South PC)  
Boudria, D. (Prescott-Russell L)  
Breaugh, M. J. (Oshawa NDP)  
Bryden, M. H. (Beaches-Woodbine NDP)  
Cassidy, M. (Ottawa Centre NDP)  
Cooke, D. S. (Windsor-Riverside NDP)  
Copps, S. M. (Hamilton Centre L)  
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
Cunningham, E. G. (Wentworth North L)  
Davis, Hon. W. G., Premier (Brampton PC)  
Di Santo, O. (Downsview NDP)  
Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)  
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
Elston, M. J. (Huron-Bruce L)  
Epp, H. A. (Waterloo North L)  
Gillies, P. A. (Brantford PC)  
Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Johnston, R. F. (Scarborough West NDP)  
Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
Kolyn, A. (Lakeshore PC)  
Lupusella, A. (Dovercourt NDP)  
Mancini, R. (Essex South L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K. C., Minister of Health (Kingston and the Islands PC)  
Peterson, D. R. (London Centre L)  
Rae, R. K. (York South NDP)  
Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
Reed, J. A. (Halton-Burlington L)  
Renwick, J. A. (Riverdale NDP)  
Roy, A. J. (Ottawa East L)  
Ruston, R. F. (Essex North L)  
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities (York Mills PC)  
Stokes, J. E. (Lake Nipigon NDP)  
Swart, M. L. (Welland-Thorold NDP)  
Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
Turner, Hon. J. M., Speaker (Peterborough PC)  
Van Horne, R. G. (London North L)  
Welch, Hon. R. S., Deputy Premier, Minister responsible for Women's Issues and Minister of Energy (Brock PC)  
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
Wildman, B. (Algoma NDP)  
Wrye, W. M. (Windsor-Sandwich L)









# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Tuesday, June 12, 1984

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

**Tuesday, June 12, 1984**

The House resumed at 8 p.m.

## FINANCIAL ADMINISTRATION AMENDMENT ACT

Mr. Stevenson moved, on behalf of Hon. Mr. Grossman, second reading of Bill 88, An Act to amend the Financial Administration Act.

**Mr. Nixon:** Mr. Speaker, on a point of order: Could the parliamentary assistant tell us the whereabouts of the Treasurer (Mr. Grossman)? We were assured he would be here tonight for this debate.

**Mr. Stevenson:** Mr. Speaker, it is my understanding that the Treasurer is expected soon.

I would like to reiterate a few of the comments that were made on first reading of the bill. Basically, this bill is a response to the report of the standing committee on public accounts of 1981 which asked that the government be given the ability to charge interest on amounts in overdue accounts.

There are also a number of other changes that reflect primarily the procedures involved in the financial administration of the province and basically either clarify, streamline or add a little flexibility to the procedures in financial administration.

**Mr. T. P. Reid:** Mr. Speaker, as the parliamentary assistant has indicated, one section of this bill, section 3, relates to the fact that the government should be charging interest on overdue accounts, a recommendation made by the public accounts committee in 1981. Three years have passed since then.

It is interesting that separate schools have taken the government 13 years and this one has taken only three. However, we will not go into that.

I am a little disappointed that the parliamentary assistant could not tell us what these overdue accounts are or what the possibilities are of these loans being repaid, with or without interest.

We have some questions on this bill, particularly on section 7. I would like some clarification as to what exactly that section refers. It says, "All money raised by way of loan and the interest thereon and the principal amount

of and interest and premiums on all securities issued are a charge on and are payable out of the consolidated revenue fund." I would be interested in hearing from the parliamentary assistant what the premiums on the securities relate to and how much of that might or might not be a charge on the public purse.

The other section I have a question on, and this was brought to my attention by my colleague the member for Port Arthur (Mr. Foulds), who may want to amplify on this, is section 11 of the bill, which states, "Section 10 of the Public Officers Act, being chapter 415 of the Revised Statutes of Ontario, 1980, is repealed." Having had a look at the Public Officers Act, which is a separate act from the Financial Administration Act, I find it passing strange, as a former colleague of mine used to say, that we would be including in a bill entitled An Act to amend the Financial Administration Act a clause or an amendment that deals with another act.

As a matter of fact, Mr. Speaker, if I could have your attention and perhaps that of the Clerk, I would like to put the question to you as to whether it is in order to repeal section 10 of the Public Officers Act in section 11 of an act that is entitled An Act to amend the Financial Administration Act, a separate act altogether. I would think section 11 of the bill is out of order and I hope, given time as I speak and as my colleague speaks on it as well—as I am sure he will, since he was the first to notice it—you will have the opportunity to rule on whether or not this is in order. We are dealing with the Financial Administration Act, but under that act we are amending another act.

The other interesting thing, and this is just a passing comment, is that this bill relates to electronic processing of accounts, in that accounts are now transferred electronically to banks and to people's accounts, whatever kind they happen to be. The act, which has not been amended in this respect for some years, amends that section to allow the electronic passing or transfer of moneys in that way to banks and so on; and it is interesting that in this technological age we have to keep up with that kind of technology.

I presume that in many things this government does it has been making these electronic transfers

for some time, and now, after the fact, we are by this amendment in the bill making legal a situation that has no doubt gone on for some time.

We see no problems with what might be called the principle of this bill. There really is not a principle *per se* that one can hang one's hat on; it is a number of amendments dealing with different subjects. But I would ask for a ruling on section 11 of the bill.

**The Deputy Speaker:** I will get that for the member.

**8:10 p.m.**

**Mr. Foulds:** Mr. Speaker, I rise to oppose the bill because we have not had any satisfaction about section 11.

First, there are many good things in the bill. I understand that in many ways it is simply a housekeeping bill. It not only allows the government to seek financing on bonds that are issued by the government of the United States but also to seek and raise moneys guaranteed by the government of the United States. I suppose it does not matter if they are guaranteed by the United States or if they are actual bonds of the government. If the government of the United States goes belly up it does not matter whether they are actual bonds or whether the bonds of the government are guaranteed.

I also believe interest should be charged where there are outstanding debts to the government. However, I would introduce this note of caution. The parliamentary assistant was less than frank with us and I wish I could have his attention.

**Mr. T. P. Reid:** How could that be? He did not say anything.

**Mr. Foulds:** I wish he had been briefed before he had the responsibility of carrying the bill on second reading. Maybe I am getting a little old fashioned; maybe I have been in this place too long.

**Mr. Kennedy:** That is true enough.

**Mr. Foulds:** The member for Mississauga South (Mr. Kennedy) should talk.

When a bill is brought before this Legislature, a minister or the parliamentary assistant who is responsible for carrying it through the Legislature should be fully briefed. That is not only his responsibility, it is the responsibility of the officials who have drafted the bill. I get very angry when the Legislature is treated as a rubber stamp for the bureaucracy, for the Treasury. Frankly, if I do not have some satisfaction about section 11 we will not get this bill through this session. That is a promise.

It seems to me a couple of things have happened. There are a number of good things in the bill. There are a number of things that appear to be housekeeping, but I resent it very strongly when a bill is presented as being housekeeping yet we cannot be told why certain sections are in, either in the second reading—which is the debate in principle and which is what we should be talking about on this reading—or in clause-by-clause debate.

One of the reasons I am loath to give support to this bill is that I am loath to give to a government that over the last 40 years, and particularly in the last 10 or 12 years, has adopted what I call an imperial style of cabinet. It has been more and more reluctant to share information with the public and the Legislature. I simply will not vote for a bill that has a clause in it that is one of the few clauses in any of the acts of this parliament that requires the Treasurer to file information with this House.

What happens with section 10 of the Public Officers Act? It is all well and good to say in the explanatory notes: "The section of the Public Officers Act that is repealed no longer serves any useful purpose. Other administrative procedures have, for some years, replaced the furnishing of security by a public officer, and the annual statement required by the section that is being repealed is no longer meaningful."

That is one the few bloody annual statements that by law, by statute, is presented to the Legislature. If other administrative procedures have taken place, why are other sections of the Public Officers Act not amended? If the Public Officers Act is out of date, why does the government not bring in a separate bill that amends the Public Officers Act, including the repeal of this section?

I see absolutely no relationship between the other sections of this bill which amend the Financial Administration Act and section 11 of this bill which refers to another act. I do not see the relationship in the bill. I would urge you very strongly, Mr. Speaker, to rule section 11 of this bill out of order.

I do not see how we can have one bill which goes by the name of An Act to amend the Financial Administration Act having a clause in it that deletes a section of the Public Officers Act. There is no relationship between the deletion of that section of the Public Officers Act and the rest of this bill.

I can see a reference is necessary in some bills to more than one piece of legislation. Often they are in tandem. However, there is absolutely no



relationship to those clauses. As a parliamentarian, I am getting a trifle touchy about the way we, as parliamentarians, are manipulated by government officials who feel this is a good thing to do.

It may be that several times the Treasurer has had to file "No report." Fine, let him do it. It is no big deal. However, if he wants to amend the Public Officers Act, I would suggest he have a separate bill to do it. If he wants this bill to go smoothly, without having it go into detailed clause-by-clause discussion, I would suggest that when we get into committee of the whole House the parliamentary assistant simply move that section 11 be deleted. Then we will all be happy. At least, we as parliamentarians will be happy, because we have had no adequate explanation for that section.

I took the time to go through the compendium of information which was sent. There was no reference to the Public Officers Act. I had to look it up in the statutes, which was not a big deal but I did do it. Having read the Public Officers Act and the Public Officers' Fees Act, it gives me some indication that maybe what the Treasurer should be doing is tabling in this House the names of people who have had appointments by this government. Maybe it would be a very good thing if we had tabled on an annual basis the names of people appointed by this government as public officers.

If I am not mistaken and if I am not going a little too far, maybe those are some of the patronage appointments this government has at its beck and call. Maybe it would be a very good thing if we had these on the public record. If the parliamentary assistant, during his summing up, which he has the privilege of doing on an act like this, can clarify and dispel all of these doubts, all will be forgiven and the bill will go through easily. However, I have not heard them so far.

I have to apologize to one official in the Treasury department who may be under the gallery. He did try to get back to me after 4:30 p.m. when I was at a meeting. I have sought this information from Treasury officials. However, at the present time, given the present status of information, I have no alternative but to oppose this bill. I have no alternative but to force the bill into committee. I have no alternative but to propose the deletion of section 11 of the bill.

**Mr. T. P. Reid:** Mr. Speaker, I would like to ask the parliamentary assistant a question in the interest of saving time. Section 3 of the bill, adding subsection 9a(5) to the act, says, "The Treasurer may, in his discretion, authorize the forgiveness or noncollection of interest or

penalty payable under this section and may authorize the charging of a lower rate of interest," etc. Is there any thought in the Treasury that this information will be made public at some point, other than through the—

**The Deputy Speaker:** Is the member on a point of order? We are still in second reading.

**Mr. T. P. Reid:** Yes, I realize this. No, I was not on a point of order. I was interested in saving time. I made my point.

**The Deputy Speaker:** I hope we might achieve that.

**Mr. T. P. Reid:** Did you read the bill, Russ?

**Mr. Stevenson:** Yes. I am sorry, I was—

**The Deputy Speaker:** Order. First, are there any other honourable members wishing to debate before we go to the parliamentary assistant?

**8:20 p.m.**

**Mr. Stevenson:** Before I make some comments, I did miss the section. Was it section 9?

**Mr. T. P. Reid:** It was subsection 9a(5). I am sure the ministry people under the gallery caught it.

**Mr. Stevenson:** The member for Rainy River (Mr. T. P. Reid) mentioned section 7 in relation to the premiums. Under the wording in the old act, there was concern that some lawyers did not consider the call premiums on long-term debentures as part of the interest. There was some question of what the legal position would be in paying those premiums after a 30-year debenture went 15 years. The section has been reworded to clarify that those premiums could be paid. This has not been done to any extent in the past and it is a very minor thing, but that is what the section relates to.

Both members, in particular the member for Port Arthur, referred fairly extensively to section 11. I did talk to the member briefly this afternoon, but I am not familiar with the distant history of this section. A member of the ministry staff did try to reach the member late this afternoon and was unable to get back to him. By the way, the Public Officers' Fees Act was repealed in the current sitting of the House.

**Mr. T. P. Reid:** That is not what we are talking about.

**Mr. Stevenson:** No, I am coming to that.

**Mr. Foulds:** It was only the old Public Officers' Fees Act that told us who the officers were.

**Mr. Stevenson:** Many years ago the public officers had to put up cash or a bond to take part in some of the duties of the government. Some



were public servants and others were private sector people who were conducting various duties for the government. That activity was terminated, and they went to private sector insurance, which covered potential losses related to handling sums of money for the government. It turned out that the cost of the premiums far exceeded the value of any losses there ever were, so private sector insurance was also dropped.

Since 1969, the government basically self-insures the people involved in handling securities or funds for the province. Since that time, procedures such as the internal audits that are conducted in the ministries and several activities related to auditing procedures cover that sort of activity. There is no longer any personal security or bonding carried by any public servants, and this has been the case since 1969.

The procedure is that the Treasurer stands up each year to say there has been no change in this particular area or that he has nothing to report in this particular area. It really is a procedure I am sure most members of the House do not understand; they probably do not know what he is doing when—

**Mr. T. P. Reid:** If we worked on that basis, we would dissolve the Legislature.

**Mr. Stevenson:** I really think this is just one of the procedures. In this whole bill we are talking about various procedures to handle and streamline some of the financial undertakings of the government. This was just one of the procedures that really had no meaning at this particular point. It was a step that was redundant because of the auditing that is now undertaken.

It was put in there to get rid of a procedure that seemed to be unnecessary because it was covered in another way and in a way to which all members of this Legislature had access. Really, in many ways they have access, through some of these audits and through public accounts and so on, to a much greater degree than through a statement the Treasurer might make in the Legislature.

I do not know that I can say much more than that. I have tried to clarify it and give members the history of how it developed. The member says the Public Officers Act is outdated. That certainly is the case, and I think I would leave it at that.

In regard to subsection 9a(5) as set out in section 3 of the bill, that is really in there to deal mainly with individual cases and with small debts, where the cost of collecting the debt might well exceed the size of the debt. It really just gives a little bit of flexibility in that particular section.

**Mr. T. P. Reid:** Mr. Speaker, on a point of order: I have received some further information, but I would like you to make a ruling on whether or not section 11 is in order under this bill. I have received a note from the expert, but I would like to hear it from your own lips.

**The Deputy Speaker:** For clarification, was the member also commenting on section 10, or did I misunderstand?

**Mr. T. P. Reid:** I will if you like.

**The Deputy Speaker:** Well, fine.

**Mr. Foulds:** Mr. Speaker, on the point of order: We are not in committee. I think the most expeditious way is to follow the rules of the House.

**Mr. T. P. Reid:** Mr. Speaker, on the point of order: I understand my honourable friend is going to move a motion to delete this section of the bill, as I think he said. Can we not have a ruling on whether or not it is in order, which, if you so rule, might or might not save us some time moving into committee and going that route?

**The Deputy Speaker:** I think we have to follow the procedure, with all due respect. If we are going to committee, that would be where we would address it clause by clause. Perhaps we could establish that at the outset in committee.

**8:30 p.m.**

**Mr. Stevenson:** Mr. Speaker, on that point of order: Possibly I could say that there are other bills in front of us. There are two private members' bills. Unfortunately, I seem to have misplaced the sheet at the moment, but there is a bill standing in the name of the member for York South (Mr. Rae), the leader of the third party, which does have a section to amend another act. There is another private member's bill that also has a section in there to amend another act.

**The Deputy Speaker:** We will deal with that when we go to committee. A final comment on the point of order.

**Mr. Foulds:** The parallels the parliamentary assistant has drawn to our attention are in fact parallels. We have had private members' bills that by necessity have to amend government legislation. On the question of whether this amendment is in order, we have a bill before us that goes under the title of An Act to amend the Financial Administration Act. It has a whole series of clauses that does just that. It has another clause that amends an entirely different act. There is no relationship between that section and the remainder of the act.



With respect to most of the acts that have passed this House, they have been not only private members' acts, if the member is trying to score a cheap political point, but also many government acts that have to amend more than one previous act.

For example, when I was Education critic of this party, we often had an act that amended not only the Education Act, but the School Boards and Teachers Collective Negotiations Act. That seems to me to be legitimate because there is a connection between the two. When one previous act impinges on the other, we can amend in the same act.

Here two different acts are being amended and one does not impinge on the other. That is why I submit, as my honoured and learned colleague the member for Rainy River has submitted, that the clause is out of order. If the Speaker rules it is in order, we will have to move to delete it.

**The Deputy Speaker:** We have had enough comment on the point of order. We are no doubt going to address it when we go to committee.

Motion agreed to.

Bill ordered for committee of the whole House.

#### ONTARIO LOAN ACT (continued)

Resuming the adjourned debate on the motion for second reading of Bill 74, An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund.

**Mr. Bradley:** Mr. Speaker, last time I discussed a number of exceedingly interesting subjects that had to do with this bill. One that I had an opportunity just to touch on for a moment or two was educational finance. The subject of educational finance has been of great interest to the members of the House today because the Premier (Mr. Davis) made a rather landmark announcement in the House this afternoon regarding extension of full grants and full aid to separate schools to the completion of secondary school.

It was an announcement that, as any observer could see, was greeted with a good deal of enthusiasm by the members of this House, particularly those members who had been through a couple of election campaigns on the issue, in particular the 1971 election.

I well recall many of my friends stating to me in that election campaign that although they were good friends of mine and although they were perhaps even supporters of the Liberal Party or of me personally, because of this important issue

and the courageous stand taken by the Premier in 1971, they found themselves unable to vote for me on this issue, which of course relates to the borrowing of this government.

I guess it was with a good deal of irony that all of us listened this afternoon to the pronouncement of the Premier. He came up in his blue top and his hair was all done up so I knew there was a big announcement forthcoming. All members on the government side were told they should have their solemn faces on and the solemn pronouncement was made.

**Hon. Mr. Grossman:** This is the Ontario Loan Act.

**The Deputy Speaker:** Order.

**Mr. Bradley:** I will speak all night on the Ontario Loan Act if that is what he wants. Is that what he wants?

**Hon. Mr. Grossman:** Go ahead.

**The Acting Speaker (Mr. Robinson):** The member for St. Catharines on Bill 74.

**Mr. Bradley:** I am talking about finance and that relates to the Ontario Loan Act. The people over there are not the Speaker. You are the Speaker.

**The Acting Speaker:** Yes, and I would like you to speak to Bill 74, so I understand you.

**Mr. Bradley:** This does relate to the borrowing of this government and the fact that whenever we embark upon an expenditure of any kind we have to find money or raise funds for it.

I found it rather interesting with the papal visit due in the fall of this year, with the demographics of this province having changed over the last 14 years so there are far more Roman Catholics than there were 14 years ago, with no doubt a polling process indicating how people feel on various subjects and how the government might make its expenditures and borrow money to make those expenditures—

**Hon. Mr. Grossman:** Mr. Speaker, on a point of order: We are all prepared to listen to the remarks of the honourable member—

**Mr. Martel:** Then you should sit down.

**Hon. Mr. Grossman:** I will not be told when to sit down either. I only suggest that since the Ontario Loan Act essentially covers borrowings for the current year and none of the borrowings for the current year relates at all to the statement made this afternoon, it might be more helpful to all of us if the member could try to deal with the subject matter of the borrowings this act does cover.

**The Acting Speaker:** I appreciate the point made by the Treasurer and I ask the member for St. Catharines to relate his remarks, whatever they may be, directly to Bill 74 which is before the House now.

**Mr. Bradley:** I am relating them to the Ontario Loan Act. I am relating them to the borrowing policies of this government and the fact that this announcement made today should have been made earlier and therefore would have been included in the expenditures. Rather than borrowing money for the purposes the Treasurer has suggested in his budget, he would have been better to do it for these purposes.

I want to share with members of this House a statement made at Queen's Park on Tuesday, August 31, 1971, by the Premier regarding the question of extended public assistance to the separate school system. Obviously, the Premier at that time had in mind this very borrowing bill which relates to educational finance.

**Mr. Martel:** Do not talk about 1971. I was here. I was here in 1967.

**The Acting Speaker:** Order. The member for St. Catharines directly on Bill 74.

**Mr. Bradley:** Ordinarily, my colleagues on the government side would be pleased to hear what the Premier had to say on any subject. I have always listened with a good deal of care to the words of the Premier as they relate to the expenditures of the government and how the government might be spending its money in this fiscal year if it were borrowing for the correct purposes. That is why I wanted to share what the Premier had to say in 1971 with the members of this House—

Interjection.

**Mr. Bradley:** The member for High Park-Swansea (Mr. Shymko) has asked me to continue, and I am pleased to do so.

**Hon. Mr. Eaton:** Did the member lose in 1971?

**Mr. Bradley:** Having lost in 1971, I won today.

**The Acting Speaker:** Order. Bill 74.

**Mr. Bradley:** Yes. That is what it is. I quote from the Premier's speech:

"I had indicated on an earlier occasion that the government would make a statement of policy on the question of extended public assistance to the separate school system. My colleagues and I have considered this matter exhaustively, realizing its importance to the people of Ontario and with profound respect for the views of various

interested parties, all of whom, however disparate their opinions may be, hold them with equal conviction and sincerity.

"There are few issues in the realm of public policy where the reconciliation of differing views and the possibility of compromise are so difficult to achieve and few issues which have the potential of creating misunderstanding, stirring prejudice and inviting recrimination, but the issue cannot be resolved by avoiding it, nor would any party to its consideration be satisfied with an attempt to resolve it by ambiguity nor by resorting to some temporary expedient.

8:40 p.m.

"There can be no doubt that Ontario's present school system at the elementary grade level exists as a matter of right, deeply rooted in historic precedent, representing the position of past generations of political leaders and private citizens. This right is firmly entrenched in the Constitution.

"The separate school system was established in the interests of those of the Roman Catholic faith, and the administrative responsibility is primarily and principally that of the Roman Catholic separate school trustees. The academic curriculum is fully compatible with that of the public school system.

"While Ontario's separate schools in the elementary grades do not limit their enrolment exclusively to the Roman Catholic students, they attract few children of other denominations or religions if, for no other reason, than natural limitations of space and facilities. As for the public elementary schools, these are open and accessible to all without limitation or distinction. Children of every denomination of all faiths are represented and it is the right of the Roman Catholic parent and child, where both systems are available, to choose freely between them.

"The government of Ontario has come to consider each of these in the elementary system, public and separate, as part of the whole, subject to the same general requirements as to the standards in curriculum and each entitled to an equal measure of public support and assistance. It is clearly understood that there is not, nor could there be, any attempt by government to diminish the right of Roman Catholics to have free access to their own separate elementary schools, nor could there be any government policy which would have the effect of inhibiting the right of choice of parent and child to attend the public schools if such is preferred.

"Whatever the wisdom and foresight of its architects, none could foresee a century ago the



educational system the people of Ontario enjoy today, the many changes it has undergone, the expansion of its services and facilities, the broadening of its curriculum and the significance of both its value and cost to the community.

"From the outset, as the secondary schools grew to become an integral part of the public school system, they have been determinedly and deliberately nondenominational and nonsectarian. Such has been the fundamental characteristic of government policy from the time of Ontario's first Prime Minister, the Honourable John Sandfield Macdonald, and this policy has been supported by every party while in power since that time.

"It will be recalled that one of Macdonald's first initiatives in the field of education was to terminate grants paid over the preceding three decades to church-related colleges and universities. Flowing from that decision in the long course of events, Ontario has today a widely accepted, well-established system of nondenominational, publicly supported universities.

"At the same time, over the years there have been continued changes in the financial arrangements with regard to the separate schools at the elementary level, all of them salutary. I have little doubt that further changes can and will be made. In any such system anomalies and inequities are inherent and only patience and goodwill can resolve and remedy them.

"Without question, the separate school system today represents a much broader program and a far more substantial commitment than could have been envisioned at the time of Confederation. It serves its purpose well and remains a source of satisfaction to its supporters, just as it has been a contributing factor to the stability and steady progress that has characterized the development of our province and its people.

"At the turn of the century, when secondary education was unavailable to many young people, the suggestion was made, and agreed upon, that public school trustees be granted the power to operate classes in elementary schools through to what is now the grade 10 level. Soon after, the same privilege was extended to the separate school trustees. None the less, while the decision offered a practical and sensible solution for many who would have been otherwise disadvantaged, it was never intended as an encroachment upon the principle of a free, nondenominational and nonsectarian secondary school system, accessible to all and supported by all.

"The government of Ontario believes it has an essential responsibility to maintain this principle and is sustained in this belief by the judgements and policies of its predecessors and in the last analysis by consideration for the broad general interests of the people of Ontario."

**The Acting Speaker:** Order. I am obliged to draw the honourable member's attention to standing order 19(d)4, which refers to reading verbatim from reports of legislative debates or any other document.

**Mr. Philip:** You have to be kidding.

**The Acting Speaker:** I do not have to be kidding at all. I only say to the honourable member—

**Mr. Martel:** Mr. Speaker, on a point of order—

**The Acting Speaker:** I have the floor. Thank you.

**Mr. Mancini:** Mr. Speaker, on a point of order—

**The Acting Speaker:** I have the floor.

If somewhere in all of that reading, however interesting it may be, I saw some relationship to Bill 74, I would be pleased to hear argument in that regard. Otherwise, I really feel it falls clearly within standing order 19(d)4 regarding reading verbatim from reports.

**Mr. Martel:** Mr. Speaker, on a point of order: If you attempt to invoke that rule this evening, from here on you will have to make the same ruling against every Tory back-bencher who gets up to read a speech in its entirety, as they are wont to do every Thursday afternoon on private members' day, when every speech is prepared for them, or on any other issue when speeches are prepared for them. Not a day will go by when those fellows over there will force you to make the same ruling against them.

**Mr. Cureatz:** On a point of order, Mr. Speaker—

**Mr. Martel:** The member should sit down. I have the floor. He knows he cannot rise in the middle of a point of order.

**The Acting Speaker:** Order. I am considering the point of order being offered by the member for Sudbury East. At the completion of his point, I shall hear whatever else is necessary.

**Mr. Martel:** Mr. Speaker, from his intervention in that manner you would never be able to tell that at one time he was the Chairman of the committees of the whole House.

**Mr. Cureatz:** On a point of order, Mr. Speaker: I am sitting down listening to him. If

that were not the case, I would not be sitting down.

**The Acting Speaker:** Order.

**Mr. Martel:** Sit down again.

**The Acting Speaker:** Order. Member for Sudbury East, I would ask you to address your point.

**Mr. Martel:** Mr. Speaker, I make two points. You have now intervened twice, the first time at the behest of interjections by the government and later by the Treasurer (Mr. Grossman), when it was said that the member could not speak on the separate school issue. I do not know what the government borrows money for if it does not go into the fund to be distributed there.

Maybe the Treasurer is prepared to tell us, because you intervened on his behalf to tell us he is going to separate the money he is going to borrow very nicely over at the Treasury and say, "This pile is for this issue, and none of it comes from"—

**Hon. Mr. Grossman:** This year, you silly man.

**Mr. Martel:** Do not tell me about being a silly man.

**The Acting Speaker:** Order.

**Mr. Martel:** You got the Speaker to rule on your behalf when he should have told you to mind your own business.

**Hon. Mr. Grossman:** It is my business, Elie. Interjections.

**The Acting Speaker:** Order. Member for Sudbury East, I would ask you to draw to the chair's attention as quickly as you can the point of order you wish to raise.

**Mr. Martel:** Mr. Speaker, I suggest that if you rule that my friend cannot read—

**Mr. Sheppard:** He cannot.

**Mr. Martel:** My friend can scream from behind the paper all he wants.

If you make this ruling, Mr. Speaker, there is not a Tory who is going to be able to make a speech in this Legislature, because they read everything in its entirety.

Make up your mind, Mr. Speaker. If you are going to rule that way against this member, from here on you will have to put down every Tory who starts to read, and you will be forced to do it daily.

**Mr. Cureatz:** Mr. Speaker, on the point of order: With all due respect to the member for Sudbury East, for whom I have great respect from time immemorial, I think it has to be

pointed out that the issue is not whether the member is reading; it is whether it is pertinent to the debate. The reading by the member for St. Catharines, I respectfully submit, has nothing to do with what is before the House, namely, Bill 74, An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund.

I could understand a degree of latitude, which the chair allows from time to time, but under the circumstances, I respectfully submit that the Speaker is right in this case. He has drawn the line with regard to the degree of latitude, and he has rightly called the member to order to get on with the debate on Bill 74.

**Mr. Martel:** Where are the funds going that they borrow?

**The Acting Speaker:** Member for Sudbury East, come to order, please.

**Mr. Gillies:** The silly member for Sudbury East.

**The Acting Speaker:** Please ignore the interjection.

**Mr. Martel:** Tell me where the money is going that you are borrowing. When you start ruling things out of order, I want to know where the money that he is going to borrow is going. Some of it I bet is going to go to assist the separate school system.

**The Acting Speaker:** I have heard the argument that the member for Sudbury East has to offer on the point of order. I have heard from the member for Durham East. I will hear from the member for Essex South, and then I will make an adjudication.

**Mr. Mancini:** Mr. Speaker, it is my understanding that you have ruled that the member is reading from a particular document and that is therefore out of order. I just want to draw to your attention, as the member for Sudbury East already has, that on many occasions it is the practice of government back-benchers to read speeches, and we have sat willingly and listened to the speeches that have been read by those members.

Interjections.

**The Acting Speaker:** Order.

**8:50 p.m.**

**Mr. Mancini:** Second, it also is the practice in the House for members to read into the record letters they receive. There has been a practice established in the House for members to read out sections of different periodicals or articles that may be interesting or have some effect on the debate.



What the member for St. Catharines is doing is picking out a few short pages of some public document that he feels may have an impact on the debate. In my view, that is not different from having a government back-bencher reading a speech or someone reading a letter. I really cannot see how he is out of order.

**Mr. Philip:** Mr. Speaker, on the point of order: I would like to point out to you that members of this House have never seen members such as the member for Scarborough-Ellesmere (Mr. Robinson) give a speech that was not read from a prepared text.

**The Acting Speaker:** I have listened with great interest to the comments of all members and would draw to the attention of the House that standing order 19(d)4 provides that a member is out of order if he "in the opinion of the Speaker, refers at length to debates of the current session or reads unnecessarily from verbatim reports of the legislative debates or any other document."

Having listened with great interest, I find the member for St. Catharines has been reading verbatim from a document that was once before this House and which does not in my estimation, to this point at least, have relevance to the matter before the House, Bill 74. In giving him the privilege of the floor again, I simply ask him to direct his comments back to the bill at hand, in the light of the standing order I have just recited for the benefit of the House.

**Mr. Bradley:** Mr. Speaker, I have never seen a government so afraid of the words of its own Premier. I would have thought there would have been round after round of applause at the words of the Premier. This debate did not take place, as I understand it, in the House. This is simply a statement by the Premier that guides me in my deliberations of this bill, which includes borrowing for this year. For instance, I am wondering why in this year, in this borrowing, money was not allocated for general assistance to separate schools. I wanted to assist members in knowing what my Premier's as well as your Premier's view happened to be on this subject.

Related to your suggestion that the member for St. Catharines is reading extensively, I am certainly reading extensively from this speech of the Premier's because I would not want in any way to be inaccurate in bringing to the attention of the members of this House the words of the Premier on that occasion. I think those words are so very relevant to the issue of educational finance, which the Speaker will understand I was discussing the other day.

**Hon. Mr. Eaton:** What you are talking about will not start until next year's budget.

**Mr. Shymko:** The silly games of silly kids. Interjections.

**The Acting Speaker:** The member for St. Catharines has the floor.

**Mr. Bradley:** Mr. Speaker, I thank you very much for allowing me to continue. I would add that in the fiscal year we are talking about for borrowing purposes, there are many separate school boards in Ontario that would have wanted to have had included in the moneys being raised through this bill a greater allocation to assist them in meeting the obligations many had anticipated they might be able to meet in the years ahead.

Even our own Premier made a statement on this in 1971, when he said:

"The government of Ontario believes it has an essential responsibility to maintain this principle and is sustained in this belief by the judgements and policies of his predecessors and in the last analysis by consideration for the broad general interests of the people of Ontario.

"The government has therefore concluded that it cannot support the proposals of the Ontario Separate School Trustees Association," whether—if I may interject in this particular statement at this time—this borrowing would be in this year, in previous years or in the next year.

"In the question as to whether or not the government of Ontario should extend tax support to secondary separate schools beyond grade 10, we do not believe the refusal to do so rescinds any constitutional right, nor does it offer any future limitation or condition to the voluntary decision of any parent or child to choose between a secondary education in the public school system, or in the private school of their choice."

Interjections.

**The Acting Speaker:** Order.

**Mr. Wrye:** Tell the government members not to be so embarrassed.

**Mr. Shymko:** We are not embarrassed.

**The Acting Speaker:** Order.

**Mr. Bradley:** Thank you, Mr. Speaker, I will try once again to relate this to our debate tonight.

The Premier went on to say:

"If, on the other hand, the government of Ontario were arbitrarily to decide to establish and maintain, out of public funds, a complete educational system determined by denominational and religious considerations, such a decision would fragment the present system beyond recognition and repair and to do so to the

disadvantage of all those who have come to want for their children a public school system free of a denominational or sectarian character.”

That obviously was a concern at that time, as was fragmentation. Perhaps this explains why in this borrowing bill—

**Hon. Miss Stephenson:** Fourteen years have passed. Circumstances have changed. If the member does not have enough intelligence to understand that, it is his fault and no one else's.

**The Acting Speaker:** Order.

**Mr. Bradley:** Thank you very much, Mr. Speaker. Fragmentation was another concern expressed at that time. This may have been why the Treasurer, in this particular bill, did not borrow more than was designated in the bill. Maybe he felt he was going to be involved, as the Premier suggested in 1971, in fragmentation. The Premier said:

“To embark upon such a policy could not be, in reason or justice, limited to some faiths and denied to others, nor could it, in logic, be limited to the elementary and academic secondary school systems alone. We would inevitably be obliged to proceed throughout all our educational institutions to fragment and divide both our young people and our resources from kindergarten through post-graduate university studies.

“We have spent considerable time examining the contention set out in the brief of the separate school trustees that the new emphasis on continuous education and greater flexibility of curriculum offerings makes it mandatory that the separate schools be allowed to extend their program beyond the grade 10 level.

“It should be stressed, however, in response to that contention, that there can be no valid educational program that does not take into account the interests, intellectual abilities and the psychological growth of children at various stages in their development. As a result, effective integration of elementary and secondary education must be carried out through the curriculum design, through varied learning methods and through a whole variety of organizational arrangements. There will be no real break in continuity of learning, whatever the authorities involved, if the receiving school is organized to deal with students on an individual basis.

“In the public school sector, children move from one school to another at various stages of their development, and the traditional advancement from elementary to the secondary”—

**Mr. Speaker:** Order.

**Hon. Mr. Gregory:** Mr. Speaker, on a point of order: I was under the impression that in

second reading of a bill, one should attempt to stay within breathing distance of the intent of the bill. The honourable member is reading a speech that has really nothing to do with the bill. I wonder, Mr. Speaker, if you would like to pass judgement on that.

**Mr. Speaker:** If we are discussing a bill, we should address ourselves to the bill and not to other matters.

**Mr. Wrye:** That is just what the member is doing.

**Mr. Speaker:** I have just come into the chair, and I shall make that judgement as the time unfolds.

**9 p.m.**

**Mr. Bradley:** Thank you, Mr. Speaker. I want to inform you that I have only three short pages to complete in bringing to the attention of the House the statement of my Premier on this important subject, which relates to this bill, because there is a borrowing aspect, and this bill deals with educational finance. I want to ensure that all members of the assembly are aware of the Premier's views in 1971 and how they are or are not reflected in the budgetary policy of the minister.

**Hon. Miss Stephenson:** Mr. Speaker, on a point of order: I have been listening diligently to the member for St. Catharines. There are two explanations for the activity he is indulging in at the moment. One is that he wants to prove to everyone in this House and in his constituency that he is capable of reading. I think he has proved that.

The second is that he is trying to make an extremely tenuous connection between the statement of the Premier in 1971 and the ability of the Treasurer to borrow, based on today's statement on the extension of support for separate school education.

I would like to remind the honourable member that the cost of additional funds in support of the exercise announced today comes into effect in the fiscal year following this one, not the fiscal year 1984-85, but the fiscal year 1985-86. Therefore, there is no possible connection between the arguments being put by the member related to his activity in reading a speech from 1971 and the debate on the Treasurer's bill.

**Mr. Gillies:** That is the issue.

**Mr. Bradley:** The issue is whether or not we are going to let the members of the government party run this House tonight.

**Mr. Speaker:** Order, please. I think the issue is that if we refer ourselves—



**Hon. Miss Stephenson:** It has nothing to do with this bill.

**Mr. Bradley:** It does have. You are just embarrassed by the Premier's statement.

**Hon. Miss Stephenson:** I am not the least bit embarrassed.

**Mr. Speaker:** Order. Perhaps we may have undivided attention for a moment.

**Mr. Martel:** You have not ruled yet.

**Mr. Speaker:** How perceptive. I would refer the member for St. Catharines—

Interjections.

**Mr. Martel:** Are you going to cut off every Tory from now on who reads his speech?

**Mr. Speaker:** Order. If we may just address ourselves to standing order 19(d)4, and if I may refresh everybody's memory, standing order 19(d)4 states that a member shall be called to order if he, "In the opinion of the Speaker, refers at length to debates of the current session, or reads unnecessarily from verbatim reports of the legislative debates or any other document." I ask the member to address himself to the bill.

**Mr. Bradley:** I am going to—

**Mr. Speaker:** Order. I think the member quite obviously has been referring to other documents, as cited in the standing orders, and I ask him to address his remarks specifically to the bill.

**Mr. Bradley:** Mr. Speaker, as has been pointed out in this House, with that kind of ruling you really invite—

**Mr. Speaker:** It is in the book.

**Mr. Bradley:** I know it is in the book, and I know the Treasurer, the Minister of Education (Miss Stephenson) and the former chief government whip have been badgering all night about this, but I want to say this to you—and I respect you as the Speaker as opposed to some of the others who have attempted to be Speaker tonight—I have observed in this House over seven years many members reading from documents and many members who read their speeches.

I have not objected to that because I recognize that some people work better from prepared notes and others work better extemporaneously. I respect that being the case. Each member has a strength and a weakness in terms of public speaking, and perhaps a strength and a weakness in other aspects of this job.

If the member is now going to suggest that because I happen to be reading the words of our own Premier, making a major statement relating to educational finance—and we are talking about finance this evening—that is not relevant to the

debate, I will be extremely surprised. As I say, I have only three short pages which I will complete in very short order and I will not cause any further kerfuffle if I am permitted to complete those short excerpts that relate to this bill this evening.

**Mr. Foulds:** Mr. Speaker, I have not listened to all this debate and it may well be that the member for St. Catharines is out of order, but I would bring to your attention that he should not be ruled out of order for simply referring to and quoting from another speech. If you rule him out of order on those grounds, the Treasurer may not have the privilege in future of reading the budget address, because it is read in its entirety from a detailed speech. I think this is a very unhealthy precedent you are setting.

**Mr. Nixon:** May I speak?

**Mr. Speaker:** Certainly you may.

**Mr. Nixon:** Mr. Speaker, I have a feeling there are two points of order being confused here. The one that may have some validity—God forbid and I would not say so—is that the money we are talking about is not going to be spent on the matter my colleague is raising, if it were examined in the narrow-minded way of some observers opposite. There may be at least an argument there.

Please let me beseech you, however, not to rule my colleague out of order because he is reading. That is in the rule book, but if it were to be applied in this House the place would become silent and even more irrelevant than it already is. I beseech you not to rule him out of order because he is reading. There may be another argument, but that one is extremely risky. I certainly hope you will not proceed that way.

**Mr. Speaker:** The member for Brant-Oxford-Norfolk (Mr. Nixon) has made a very valid point, but really it has nothing to do with reading speeches.

**Mr. Nixon:** That is the rule you keep quoting.

**Mr. Speaker:** No, with all respect, it is not. I will again quote 19(d)(4): "In the opinion of the Speaker, refers at length to debates of the current session, or reads unnecessarily from verbatim reports of legislative debates or any other document." With all respect, that has nothing to do with members reading speeches or whatever. Tonight, we are addressing ourselves to a bill.

**Mr. Martel:** Would the Speaker help me then?

**Mr. Speaker:** Just a minute. We are here addressing ourselves to a specific matter. The member has gone on at great length, which I do not call him to order on, but I think he has made

his point and should carry on with the matter of the bill itself.

**Mr. Martel:** Mr. Speaker, I would like to know what one calls it when the Treasurer comes in with his budget and each member is given a document, in which appears the entire speech. The Treasurer then gets up and reads massive amounts from that document.

**Hon. Mr. Grossman:** His own speech.

**Mr. Martel:** No, it is a document, and that is what the rule says, "any document." That is where you are going to get yourself in Dutch because we might say it is a document and—

**Mr. Shymko:** This is unreal, Mr. Speaker.

**Mr. Martel:** No, the Treasurer simply reads from a document. We should not have to listen to that document being read. He could just table it.

9:10 p.m.

**Mr. Speaker:** With all respect, I think the member may have misunderstood what I have said. I point out once more that it has nothing to do with reading speeches. Having said that, I would ask the member for St. Catharines to address himself to the bill.

**Mr. Bradley:** Mr. Speaker, I will continue addressing the bill, as I have been all evening, both before you were here and at the present time.

**Hon. Mr. Gregory:** Are you going to ignore what the Speaker has said?

**Mr. Bradley:** I do not need any advice from the member for Mississauga East.

**Hon. Mr. Gregory:** You heard the ruling.

**Mr. Speaker:** Order.

**Mr. Bradley:** I know he does not want to hear the Premier's words read back into the record, but I think they are important and relevant to this debate tonight.

**Mr. Speaker:** With all respect, I think it is more important to address yourself to the bill.

**Mr. Bradley:** I am addressing myself to the bill.

We want to know why the Treasurer would not include more money for education in his borrowing bill. It is obvious that those who have been involved with the separate school system for years have said, "Look, in this fiscal year, why have you not spent additional money to provide funding for the secondary level of education?" That is why we borrow part of it. There was no objection.

The Minister of Education and Colleges and Universities will understand. I discussed this

very aspect the other night, and perhaps you were in the House at the time, Mr. Speaker. When I talked about educational finance that did not deal directly with separate schools but instead dealt with public schools, there was absolutely no objection from members of the government side.

Of course, I did not invoke the words of the Premier at that time, and now that as a continuation of that line of debate I am discussing not the public school aspect but the separate school aspect of funding as it relates to this bill, we get some objections from the government side.

Perhaps one of the reasons the Treasurer did not include in that borrowing the additional funds for this fiscal year for the separate school system was the mobility and advantage argument advanced by the Premier in 1971 when he said—

**Mr. Speaker:** With all respect, I am not really sure what the Premier said in 1971 has any relevance to this bill tonight.

**Mr. Bradley:** It does have relevance, in fairness. I know it is embarrassing to members of the government side, but it does have relevance.

**Mr. Speaker:** With all respect, if I may point out to the honourable member, it has no embarrassment for me as Speaker and I would suggest the member address himself to the bill or I shall have to rule him out of order and move on to the next speaker.

**Mr. Bradley:** Then I will speak on the bill until 10:30 p.m. I will invoke part of that during the evening, but we will talk generally about education finance in Ontario.

Prior to this bill we did not have any inkling of this, during this bill we did not have any inkling of this, but at long last the government in this province has decided that education finance is going to be a matter of great importance.

In 1975 the government of Ontario provided 61-odd per cent of the cost of education in this province. This government has allowed the percentage of the cost of education assumed by the province to fall from 61.3 per cent or thereabouts to about 48.5 per cent.

There have been many boards of education in this province, including the separate school boards, which would well remember the statement of the Premier of Ontario in 1971 that the Speaker will not let me read into the record tonight in this House.

**Hon. Miss Stephenson:** It is irrelevant.

**Mr. Bradley:** It is not irrelevant. The Minister of Education and the government members do not want to hear it.



**Mr. Wrye:** They just do not like what is in it.

**Mr. Speaker:** Order. The member for St. Catharines has the floor.

**Mr. Bradley:** The people who are involved at the lower levels of government as they are called, at the municipal level, and that includes boards of education, separate school boards and public school boards, are concerned—

**Hon. Mr. Gregory:** The ones who were threatened.

**Mr. Bradley:** Yes.

I do not have any statements by the Premier on this, but I do want to recall to members of this House that in 1973—I apologize to the House for referring to something that was said in 1973 because we are not supposed to refer to anything the Premier has said in the past in this House.

I can understand why the member for Mississauga East is grinning. He is running this place like a dictatorship. I understand why he is happy this evening. He sits there with a big grin on his face.

**Hon. Mr. Gregory:** On a point of privilege, Mr. Speaker, it has to be privilege because I do not know why the member made that statement: He knows I am no longer House leader, I am no longer whip. How he calculates that I run this place with a rule of iron, I do not know, but I really think the member is a little out of line.

Interjections.

**Mr. Speaker:** Order, please.

**Mr. Bradley:** To continue, in 1973, members of this House would recall that this same government of the Premier who made this statement in 1971 was involved in a commitment to municipalities across the province called the Edmonton commitment. As I recall the provisions of that commitment, this government agreed to pass along to municipalities transfer payments in the same percentage as the increase in revenue for the province. Whether it would involve borrowing or not, that was the commitment that was made.

Unfortunately, municipalities in the province, and many of us who have served on municipal councils will remember this, have not had the opportunity to enjoy the fruits of that promise, because this government has decided to ignore it.

We in the opposition would like to have seen from this borrowing on the part of the Treasurer, more allocation of funds to environmental matters. For instance, tonight there is a fancy dinner at the Harbour Castle Hilton which the Premier is putting on, with a reception and so on. It will be attended by a number of people. There

will be a big show about concern for water quality in the province. It will be an opportunity for the person who is designated to look after the area of natural resources to get his name before the public. It will give the illusion that this government is working hard to clean up the environment and the water resources in Ontario, but it will certainly not necessarily provide for us the funds necessary to clean up our waterways.

The Minister of the Environment (Mr. Brandt) has expressed his concerns about our waterways in the province, probably first as mayor of a municipality which fronts on one of the Great Lakes and of course as Minister of the Environment now. When I look at the borrowing that will take place for the purposes of government expenditures, I am disappointed that more was not designated to allow the minister to carry out his duties and responsibilities as minister because, at least in the speeches I have heard him make, he has indicated his desire to see more done in the field of cleaning up the environment.

He certainly wanted to be an aggressive minister in this regard, but because sufficient funds are not being designated out of these borrowings for his ministry, I do not feel he can carry out the responsibilities the way he would probably like to in the optimum circumstances. Certainly those of us in opposition would like to have seen more money allocated to his ministry.

I think of the fact that in the Niagara Peninsula we had a decrease, not an increase, in the number of staff at the Welland office. Anyone who knows the Niagara Peninsula well knows there have been real problems, genuine problems that have arisen in terms of air pollution, soil pollution and water pollution, and that there is a need for continuous monitoring and investigation of the sources of pollution.

**9:20 p.m.**

Unfortunately, because the borrowings are designated for things other than what we feel they should be, such as the environment, they have been understaffed in the Niagara Peninsula in the field of environment.

Also, I look at other areas for which these funds might be designated. I see the Minister of Energy (Mr. Andrewes) in the House tonight. We know Ontario Hydro takes up a lot of money in this province. It is not necessarily direct tax dollars, but the ratepayers of this province must pay a considerable amount of money. It would have been a pleasure to see more money designated to the Minister of Energy so he could explore, on an even more extensive basis, the possibility of finding alternatives to the genera-

tion of electric power, alternative fuels that could be developed and an alternative industry that could be nurtured and assisted in this province.

I think of the Ministry of the Solicitor General. We know the Solicitor General (Mr. G. W. Taylor) has allowed that there are problems in Ontario in terms of organized crime and that he would appreciate the opportunity to have more of the money being borrowed this evening. Because I do want to relate to this bill, I will not quote the Premier because I am not allowed to quote him when he is making an embarrassing statement, but I know more of this money that is designated from this bill might have gone to combat organized crime.

I well recall members of this party over the years demonstrating a clear interest, and I think it is an interest shared by all members of this party, in clearing up crime in this province. Money could have been designated for that purpose.

I look at the Ministry of Northern Affairs. My friend, the member for London North (Mr. Van Horne), who has the responsibility as critic for Northern Affairs, would say people in the north have been neglected by this government because in its borrowing policy it has not raised sufficient funds to meet the real needs of northern Ontario, some needs which are not present in southern Ontario.

One needs only to look to the transportation systems in northern Ontario—

**Mr. Boudria:** And in eastern Ontario.

**Mr. Bradley:** —and in eastern Ontario, as my friend from eastern Ontario, the Consumer and Commercial Relations critic for the official opposition, points out. In Prescott-Russell many problems are experienced that are similar to those experienced in northern Ontario.

I know my relatives in northern Ontario have described the road system there and have told me how the frost has a damaging effect on highways in northern Ontario. When highways are constructed with the money to be borrowed by the provincial Treasurer, it is more difficult to construct them in northern Ontario because they have to blast in certain circumstances. In fact, they blast in northern Ontario to get a highway through in many more circumstances than would be the case in other places.

I am also aware that the Queensway in Ottawa has been an area of great concern. For seven years people there have been awaiting a final construction program which will allow the Queensway to serve the people in that part of the province appropriately. Time after time members of the opposition have risen in this House

and clearly said to the government opposite that they wished to see this program accelerated, to see the construction out of the way, to see it completed appropriately, so the roadway system is conducive to the correct operation of traffic in that part of the province.

I look at post-secondary education. I do not have a statement from the Premier on post-secondary education, but I suppose if I did have one and it was not as embarrassing as this one, I would be allowed to read that in the House, but I am not going to be allowed to read that in the House.

We look at the debt records in terms of post-secondary education. We would note that some institutes of post-secondary education have been forced to go into deficit financing for reasons beyond their control. They have had an influx of students into the universities. I use Brock as an example. Brock University has been very popular, most particularly in recent years. In recent years there has been a necessity for increased funding from the borrowing this minister is going to undertake under this particular bill, and the Speaker wants me to speak to this bill.

They have found at Brock that funding has not been sufficient. They have had to scrimp, save and do without a lot of essential services and facilities at Brock. They have had leaks in parts of the buildings because they have not had sufficient funding from the borrowings of the Treasurer to assist them.

We have to service post-secondary education in this province in an appropriate fashion. This government has fallen behind, according to the Council of Ontario Universities. That is not an alarmist group, but it is concerned that in a world where we must be ever-competitive and where we are facing strong competition from countries such as Japan and from Europe, there are problems arising in the provision of facilities and unique opportunities ordinarily available in post-secondary education.

There are needs that must be met in health care. I do not have any statements from the Premier on health care, but I am certain, if they were not embarrassing, I could read them into the record tonight. In the Niagara Peninsula, if I may be parochial enough to speak of it, there is a need for nursing home beds. There are a lot of people on waiting lists.

Those of us who represent the region, the member for Niagara Falls (Mr. Kerrio), the member for Erie (Mr. Haggerty), the member for Welland-Thorold (Mr. Swart) and the members



on the government side, are aware of this, although the latter have not necessarily raised it publicly. There is a genuine need for additional funding from the borrowings of the province to provide nursing home care and old age homes, if we use that terminology—senior citizens homes, in other words—and hospital facilities.

For instance, the St. Catharines General Hospital has put forward to the Niagara District Health Council a very reasonable proposal for increased funding to meet its chronic care needs. We have a deplorable situation in what we call the McSloy wing, which in 1911 served the population of St. Catharines very well. Today it is somewhat less than the proudest part of the St. Catharines General Hospital.

That is not because of the excellent care provided by the nursing staff and others who assist in caring for many kinds of elderly chronic patients in the hospital. It is because of the physical plant itself. A very reasonable proposal has been made for the updating and expansion of emergency care at that hospital. When I look at the amount of money being borrowed by this government and see that money is not being designated as it should be for health care and other services in my constituency, then I am disappointed and must express my point of view.

We also have a need for funding for community and social services. Last night I had the opportunity to address the West Lincoln and District Association for the Mentally Retarded where we have a very active volunteer group. I am sure the member for Lincoln (Mr. Andrewes) knows many of those people on a personal basis. No doubt he has worked with them.

He would agree with me that the borrowing policy of this government should be such that sufficient funds are gathered to assist those who are at a disadvantage, that is, the mentally handicapped. The money could be used for core residences and other facilities that could be provided to assist the mentally handicapped anywhere in this province, and certainly in the St. Catharines and West Lincoln areas where the funds would be welcomed.

**9:30 p.m.**

Also, in community and social services, the regional municipality of Niagara would be pleased to see more money designated for welfare purposes. Unemployment in the province over the past few years has been a tremendous drain on the resources of that area. When a person is unemployed, he does not benefit, if there is such a thing as benefiting, from a lower income tax. I have to explain that. If

a person happens to be making \$25,000 a year and becomes unemployed, at least in that year that person will pay less in income tax. The property tax will remain the same, however, regardless of that person's personal income.

Therefore, it is an increasingly difficult chore or responsibility for those people to pay municipal property taxes when they are in circumstances where they are unemployed. That is why the people of the regional municipality of Niagara, in particular those who have the responsibility for the delivery of services, are concerned that the Treasurer borrow sufficient funds to provide that amount of money.

When I rose to speak in the House this evening, I intended to speak for approximately 15 minutes, but I found myself needing to elaborate on many of the needs we have that would arise out of this bill. I want to address myself to those needs, without quoting from the Premier.

I look at the Ministry of Citizenship and Culture and note that library systems in this province have suffered from the fact that the provincial government has not recently increased its per capita grant. By not increasing its per capita grant to local library systems, the provincial government has forced municipalities to take one of two actions. One is to tell libraries they must cut back their essential services to their communities or, two, to inform the municipalities they must raise more money from the local property tax to ensure there is sufficient money to run a good library system. I am sure those people are concerned about that.

I have also addressed letters to the Treasurer and others, such as the Provincial Secretary for Social Development (Mr. Dean), on the need for funding from the borrowings of this bill for housing needs in this province. Believe it or not, a lot of people in this province are unable to afford any kind of decent housing.

In my first years as a member of the Legislature, I did not receive all that many calls about those who were desperately in need of emergency housing. More and more I now find that people are phoning to say: "I am living in a car, a tent or a motel on a temporary basis. I really need emergency housing and there just is none."

I go to the North Niagara Housing Authority to see what the general circumstances are. It is not my prerogative to tell them whom they should and should not admit to their housing units. I do not believe in operating in that way, but I do like to look at the general circumstances that exist in



subsidized housing. I find that there are long waiting lists for senior citizens' units and family units. That is a problem.

The people in Metropolitan Toronto have raised this issue on many occasions. There is a real need for that. In the riding of Kitchener-Wilmot, the member would have received in Wilmot township and other areas—

**Mr. Sweeney:** Hundreds of families are waiting for subsidized housing.

**Mr. Bradley:** He tells me hundreds of families are waiting for subsidized housing that could be assisted through the provisions of this bill, but have not been appropriately assisted.

With respect to the Ministry of Transportation and Communications, there are many highways and bridges in this province that require building and reconstruction which could help the private sector. I am not looking for the government to go looking for particular projects, but there are a lot of projects that are at present on the books that would be very useful in this regard. I suggest that the borrowings of the provincial government could be applied in that area.

The wine industry is very hard hit. I am going to sound parochial in saying so, but in the Niagara Peninsula the wine industry has been hard hit.

My friend the member for Prescott-Russell advanced a proposal in this House in the form of a private member's bill that would have allowed small independent grocery stores in this province to have the opportunity to sell Ontario wines to customers to make them more available.

This was greeted with a good deal of enthusiasm, even though the scare tactics used by the government in an attempt to influence certain members of the wine industry worked to a certain extent. This would have gone a long way. It finally prompted the government to take action because I see a task force has now been appointed to deal with the wine industry. I think part of that can be traced to the fact that the member for Prescott-Russell, the Consumer and Commercial Relations critic for the Ontario Liberal caucus, was instrumental in raising this issue as one of importance in this House.

With regard to agriculture in our part of the province, I know the grape growers appreciated the efforts of my colleague in doing this. We know our wineries are suffering because of unemployment. Many people who are normally Progressive Conservative supporters in the Niagara Peninsula have voiced their concern about this to me. On January 3 or 4 in the resources development committee of this House,

I advanced to the Treasurer the need to borrow funds, if necessary, to provide assistance to the wine industry.

One area that does not seem to need much assistance is the preparation for the bicentennial activities of this province. That seems to be doing very well, thank you. A sufficient amount, \$10 million, has been designated for that purpose. We are getting ready for our bicentennial in 1991 and we are celebrating it early.

However, many of us are planting the trees. The member for Oshawa (Mr. Breaugh) spoke at some length on this. He said: "If there is a party, I guess we will all enjoy it. We will plant the trees. We will greet our famous visitors to this province and so on." But one thing we will not do is read the remarks the Premier made in 1971, even if we do talk about those other things.

I look at the area of tourism and recreation. The member for Niagara Falls has always spoken in this House of the need for assistance for tourism and recreation in this province to attract people particularly from outside the province. Whether or not it is necessary to have ads hour after hour within the province to attract Ontarians to Ontario is a matter of some question, but there is absolutely no question it is useful to have these ads on in Quebec, south of the border or perhaps in Manitoba where we might be able to encourage people to come to this province instead of simply trying to pat the government on the back by running these ads in our own province.

**Mr. Philip:** They would not come to this province before now because they would have to pay to have their kids go to separate schools.

**Mr. Bradley:** I wanted to read a quotation on that, but I have not been permitted to do so because it would be embarrassing to the government and the Premier.

I want to look at the area of industry and trade. I notice there was an announcement made in Brampton that this government is getting involved in the automotive industry to the tune of some \$60 million. I guess there is always a bit of a worry, and it is probably shared by many on the government side, that governments have to fork out this much money to encourage people to invest. I also understand the competition is tough. The government is not doing it because it wants to do it but because other jurisdictions are offering the same incentives that might be made available.

With regard to providing information to those who want to develop their own small businesses—



**Mr. Sweeney:** Why not read our statement?

**Mr. Bradley:** I am not allowed to read anything to do with that. That is strictly out in this House. Every government member will read his speech in this House, but I am not allowed to read that in the House. I just wanted to explain that to the member because he did come in a little later.

Looking at the area of labour, many in this House have expressed a concern about occupational health and safety. The member for Sudbury East has been among them, as has the member for Essex South and others. They have expressed concern, as I think all of us have, for occupational health and safety in this province and the need to borrow funds, under this particular bill we are discussing tonight, so we can assist in providing the appropriate atmosphere for making people aware of the need for an advancement in occupational health and safety. We would be pleased if the minister were to say that is how he is spending the money he is borrowing under this bill.

**Mr. Speaker:** The member for Cochrane North (Mr. Piché). On second thought, the member for St. Catharines.

**Mr. Sweeney:** Thank you. That gave him a chance for a glass of water.

**Mr. Bradley:** I want to thank the member for Cochrane North.

**Mr. Boudria:** Who was not in his chair.

9:40 p.m.

**Mr. Bradley:** To continue my remarks, with regard to Citizenship and Culture, I am aware that were the Treasurer borrowing sufficient funds this evening under the auspices of this bill, he would be in a position to provide assistance to the Folk Arts Council of St. Catharines, which would like to have the provincial government make funds available to it so it can expand its facilities.

The Treasurer no doubt will be aware, as I know the Minister of Citizenship and Culture (Ms. Fish) is aware, that the Folk Arts Council of St. Catharines is interested in providing a variety of services, particularly to the immigrant population, in our part of the province. I am sure others provide a similar service in other parts of the province. If this bill were to contain funds borrowed for that purpose, I know this group would be particularly pleased.

I know many groups in the province in the field of recreation would be pleased to receive funding from the provincial government to assist in providing an opportunity for young and older people in this province to be involved in

recreation and therefore to increase the amount of exercise available to them and those things that are good for their health.

The Attorney General (Mr. McMurtry) has been responsive enough to reply to my many questions in the House over the years, along with the former Minister of Government Services, when I have asked about the need for a courthouse in St. Catharines. At long last we do have a courthouse in St. Catharines; it was opened recently, and I had an opportunity to participate at its opening. It was not at the invitation of the government members. I did, however, take the opportunity to participate at the opening, pleased that the government on that occasion had been involved in borrowing funds for that purpose.

What has arisen, and what requires this kind of borrowing, is the fact that what we used to call a grand jury and now known as a public institutions inspection panel has come forward and recommended some improvements be made to the new courthouse. These improvements relate particularly to the circulation of air. Apparently, in the wintertime it is rather cold, in the summertime it is rather hot and other deficiencies have been identified. I know the Treasurer would want to designate a sufficient amount of funds for that.

In the field of Consumer and Commercial Relations, it is absolutely essential that we have more consumer protection in this province. I well recall a person who brought to my attention that he had written away for a book of financial advice. Obviously he did not write to the Treasurer; he wrote to some other person who had advertised in a publishing house, apparently. When he wrote to this publishing house, he sent his money order along and received nothing back. He then brought it to the attention of the Ministry of Consumer and Commercial Relations, consumer complaints branch, and he was not satisfactorily dealt with, in his opinion. He felt the government should have assisted him instead of saying simply, "Go to small claims court."

I think the government should be more diligent in providing for those who have problems with those who are on the other side of the law in undertaking what amounts to fraud. The government should be involved in the enforcement of those provisions that are available to it to enforce. This, unfortunately, was not forthcoming from the Ministry of Consumer and Commercial Relations in this case.

The Minister of Education is here this evening. I want to let her know that I am not going to quote

the 1971 speech of the Premier on this; but we should talk, I think, about—

**Mr. Swart:** Sneak in a little bit.

**Mr. Bradley:** Oh, no. I do not want to put it in, because I would have been finished in 15 minutes had I been able to do that. I had no intention of speaking all night tonight until the government side insisted that I address matters other than the matter I was discussing at hand.

I want to talk about co-operative education and to know that the money raised by the Treasurer, who was so insistent that I not quote from this document, should go in greater quantities to co-operative education in this province. There is a genuine problem, not just in rural areas but in all areas, with transportation.

Interjection.

**Mr. Bradley:** There is so. Whether the minister says there is or is not, the people who are involved in the program and know what is going on say there is a problem, and I believe them. Relating my remarks to this bill, they say it would not take that much money out of the borrowing found in it. They feel a couple of million dollars would be well spent by boards of education to assist young people in the high schools to travel to jobs and to make provision for teacher-monitors and others to monitor and to organize the program.

They feel those funds should be made available. I agree with them. I think that program is an outstanding success. I pay tribute to the local boards of education that have undertaken these programs and have not exactly been encouraged, as they might be by the Ministry of Education, through increased funding.

**Mr. Sweeney:** Lincoln county has one of the best.

**Mr. Bradley:** Lincoln county, I know, does have one of the best. Mr. Henry Froese has been in communication with me, and I am sure with others, over this issue.

I also know that my friend the member for Prescott-Russell (Mr. Boudria) has circumstances in his riding that could use the funds to be borrowed under the auspices of this bill. Those funds would be designated for continuing education.

They had a rather innovative program in Prescott-Russell. The Minister of Education saw that program in effect. It was a very effective program that involved more and more people in the educational system, some 1,000 people. It provided assistance for some people who would

be considered to be functionally illiterate. They were tremendously assisted by that program.

Unfortunately, having seen how effective it was, the Minister of Education then turned around and pulled the financial rug out from under the program.

**Mr. Boudria:** That was probably because it was working.

**Mr. Bradley:** My friend from Prescott-Russell suggests she cut it because it was working well.

We all remember the noncredit courses in continuing education that could be funded by the borrowing in this bill, those noncredit courses in continuing education that were not funded by the minister. She emasculated or devastated that program considerably by withdrawing the funding. Of course, that is so often the case.

We also know Bill 82 is going to require funding or at least special education in this area. It is going to require funding from this piece of legislation. This legislation would probably have been through by now tonight had I been allowed to continue my remarks, and certainly we could have gone on to other bills that I know members wanted to deal with, including interim supply which, of course, could evoke from me another speech of this length.

On that occasion I might be able to read the rest of the document I was reading in the House tonight that so disturbed members on the government side that they prevailed upon the Speaker not to allow me to continue reading it. I now have a new Speaker in the chair, so perhaps I should try him. That could probably wrap up my remarks this evening if I were to continue that but it appears that is not going to be the case.

**Mr. Philip:** Which document?

**Mr. Bradley:** This is the document, Mr. Speaker, because I know you would be interested. This is how this problem arose.

I read from a statement by the Premier on the question of extended public assistance to the separate school system. This statement was made, I do not think in the House, at Queen's Park on Tuesday, August 31, 1971. I was in the process of reading it and relating it to this bill because part of this bill dealt with educational finance.

I read much of it into the record, although there was continuous barracking from the other side. Although I am not one to say this is the case because I happen to like the people who were sitting in the chair on both occasions, they seemed to be intimidated by the government side that barracked constantly because I was simply



reading the words of the Premier. What more important words could one quote back in the House than those of our own Premier's address?

It was related to this bill, which I had intended to speak on for 15 minutes in this House. I see the government House leader sitting there. I know he would have been pleased to have me sitting down at 8:30 tonight when I wanted to sit down after having addressed the subject of educational finance. But we had the barking and barracking from the other side, the interjections from the Minister of Education, and so I had to carry on.

**Hon. Mr. Grossman:** And so like the mature person you are, very mature.

**Mr. Bradley:** The minister lectures on maturity.

Interjections.

9:50 p.m.

**Mr. Bradley:** I am not going to talk about paying people under the minimum wage or anything like that; I am simply going to discuss those matters that are related to this bill.

I look at the Ministry of Correctional Services and wonder how much money will be generated in this borrowing bill for Correctional Services. Whether the government should have borrowed more or less, of course, is up to the judgement of the Management Board of Cabinet and others.

I would say that for programs to try to get people to be involved in a transition back to the community, as the former minister, who is here tonight—I thought he did a good job in that ministry when he was the minister—and who is now the Minister of Community and Social Services (Mr. Drea)—

**Mr. Piché:** Mr. Speaker, on a point of order. Interjections.

**The Deputy Speaker:** Order.

**Mr. Piché:** Will the member for St. Catharines sit down? I have the floor here because I have just called for a point of order.

**The Deputy Speaker:** No, with all due respect, not quite yet.

**M. Piché:** M. le Président—

**The Deputy Speaker:** One moment. Order. You have to wait until the chair recognizes you. Is the member rising on a point of order? We will hear the point of order.

**M. Piché:** M. le Président, avec le plus grand respect à l'honorable député de St-Catharines, attendu que l'ordre du jour de la Chambre s'est détérioré au niveau de l'absurdité absolue, je vous conseille de dissoudre cette Assemblée ou faire quelque chose. Je vous prie, M. le

Président, de faire quelque chose, parce que ça, c'est ridicule.

**Mr. Boudria:** May I speak to that point?

**Mr. Martel:** What is his point of order?

**The Deputy Speaker:** If the members are prevailing on the chair, it might help, since I am not all that conversant with that language—

**Mr. Samis:** He did not say anything.

**Mr. Piché:** Mr. Speaker, I would be pleased to repeat the same thing in English.

**Mr. Martel:** You do not have a point of order.

**Mr. Piché:** I have a point of order. I have a point of order.

**Mr. Martel:** Mr. Speaker, I understand French quite fluently, and he did not have a point of order.

**Mr. Piché:** Mr. Speaker, on the point of order—

**The Deputy Speaker:** Order.

**Mr. Shymko:** The Speaker wants a translation, Elie.

**Mr. Piché:** I am just giving the Speaker a translation from français to English, as I am allowed to do in the Legislature of Ontario.

**Mr. Shymko:** It is an official language.

**Mr. Piché:** Right.

**An hon. member:** Nobody said he could not.

**The Deputy Speaker:** No one said he could not; I only suggest it might help me in my response to his point of order.

**Mr. Piché:** Mr. Speaker, on the point of order: With the greatest respect to the member for St. Catharines, since the business of this House has deteriorated to the point of being ridiculous, I ask you either to dissolve this House or to do something about it.

There is no way we can sit here and listen to the member for St. Catharines and, earlier, to the member for Oshawa. This has come to a stage that I as a back-bencher will not allow in this House. Either we do something or we dissolve this House.

**The Deputy Speaker:** Fine.

**Mr. Sweeney:** Dissolve the House?

**Mr. Martel:** What are you going to do, René?

**The Deputy Speaker:** Order. Will the member please take his seat. All honourable members know that this place is charged with a political debate. Let us remember that we are not to use language that can incite and provoke tempers; it is in our standing orders. May we proceed with the member for St. Catharines.

Interjections.

**The Deputy Speaker:** Order.

**Mr. Piché:** I will not allow the member for St. Catharines—

**The Deputy Speaker:** You are out of order.

**Mr. Piché:** No, I am not out of order.

**The Deputy Speaker:** With all due respect, you do not decide who proceeds and who does not.

**Mr. Charlton:** Mr. Speaker, on a point of order: I would just like to second the motion of the member for Cochrane North.

**The Deputy Speaker:** You are out of order.

**Mr. Sweeney:** Where have you been for the last three days?

**The Deputy Speaker:** Member for St. Catharines, proceed with the debate.

**Mr. Bradley:** Mr. Speaker, to continue my remarks on this debate, which are—

**Mr. Piché:** Mr. Speaker, am I allowed to have a further point of order?

**The Deputy Speaker:** No.

**Mr. Sweeney:** Make a motion.

**Mr. Piché:** Mr. Speaker, you should speak to the member for St. Catharines. Tell him he is overdoing it and there is no way that we as legislators can understand or accept what he is saying.

**Mr. Boudria:** Are you against democracy?

**Mr. Wrye:** This democracy stuff must be terribly boring for you folks.

**The Deputy Speaker:** Order.

**Mr. Bradley:** Mr. Speaker, had the member not been objecting strenuously and attempting to intimidate the chair in this issue, he would be listening to my remarks now. I do feel compelled to continue them and I will do so at your behest.

In terms of funds provided to post-secondary education, it was interesting to note in the newspaper the other day that the search committee for the new president of the University of Toronto indicated the new president would have to spend some one third of his time raising funds. It is absolutely outrageous that the president of a university would spend one third of his time raising funds.

The reason advanced was that Ontario provides \$1,000 per student less than the Canadian average for post-secondary education. This is in a province where we have often said we have the best educational system and the best-financed educational system in the world.

Out of the funds derived from the Treasurer's bill this evening, there is certainly a need in this province for subsidized day care so single mothers can go out to work or be involved in retraining rather than having to sit at home and collect welfare. There are many of those people who, because of unfortunate circumstances have been forced to stay at home. They have been forced to go on mother's allowance or general welfare benefits. I think the members as constituency persons would understand this.

From talking to our constituents, by telephone or in person and through the medium of letters, we know they want to get out and get a job. The Minister of Community and Social Services has been moving to assist people in this direction because most people, and I think he would agree, would like to work and support themselves. Any way we can assist in that regard is useful.

If we were to provide more subsidized day care in this province so single mothers could go out to work or be involved in retraining, we would diminish the welfare rolls and the amount of money that is necessary to be borrowed for those purposes. We would also give people the kind of dignity they are looking for throughout their lifetime.

As we know, the Young Offenders Act was held up for two years because the Ontario government would not agree to fund its fair share of this. Had sufficient funding been provided for the Young Offenders Act, we would have been in the position of not having to be in the circumstances we are in today.

**Mr. Philip:** Just as they did not fund separate schools over all these years.

**Mr. Bradley:** We would have been, but I am not allowed to talk about that tonight. I cannot quote the Premier on that at all tonight.

I must go to the Ministry of Government Services. There are a lot of buildings around this province which they could be building with the money that is to be raised by this bill. In areas of high unemployment, it would have been extremely useful for the Minister of Government Services (Mr. Ashe) to say to the Treasurer: "I think you should designate funds this year, under the auspices of this bill, so we can get the construction industry and the private sector moving once again either by constructing new buildings which the provincial government will require under the auspices of the Ministry of Government Services or renovating other buildings." This stimulates the private sector. It allows more people to be employed. Those



people are spending money and, in turn, more money is then available for other purposes.

**10 p.m.**

We know the Ministry of Intergovernmental Affairs spends some of the government funding for various purposes. We want our minister to have sufficient funds available so he is able to converse on a continuing basis with members who have similar responsibilities in other provinces. If this bill does not provide sufficient borrowing for those purposes, then our minister would be forced to stay at home in Ontario and would not be able to converse, as he does so very well, with his counterparts across this country and in other countries.

We could not be represented by a better person than the present House leader, the Minister of Intergovernmental Affairs (Mr. Wells), for that kind of diplomatic job, at least among those we can choose from on the government side.

**Mr. Sweeney:** Every government has at least one of them.

**Mr. Nixon:** The Minister of Community and Social Services is out.

**Mr. Bradley:** I thought I saw the Minister of Consumer and Commercial Relations (Mr. Elgie). There he is.

The Minister of Consumer and Commercial Relations is over there. He is planning his next dinner with the member for Sudbury East.

**Some hon. members:** Fishing trip.

**Mr. Bradley:** His next fishing trip with the member for Sudbury East.

We would want his ministry to have sufficient funding available so he could monitor business enterprises such as High Park School because High Park School in the town of Pelham—

**Hon. Miss Stephenson:** The member is reaching.

**Mr. Bradley:** I had no intention of reaching tonight.

I know the government House leader will be disappointed his members have forced me to reach into various areas of spending because they would not let me dwell on one specific area of spending on separate schools. It would have taken about five more minutes, but I am compelled to go on.

I was talking about High Park School.

**Hon. Mr. Grossman:** Very mature.

**Mr. Bradley:** I was not talking about paying below the minimum wage to any personal employees; do not worry about that. I was not talking about that, I say to the Treasurer.

**Mr. Boudria:** We should talk about government advertising.

**Mr. Bradley:** That could be the case.

Nevertheless, I was talking about High Park School and the responsibility both the Minister of Education and the Minister of Consumer and Commercial Relations would have—

**An hon. member:** How much did the member get for that land he sold in Richmond Hill?

**Mr. Bradley:** Which the member discharged after I badgered him into it.

**Hon. Miss Stephenson:** Oh, come on. The member for St. Catharines knew absolutely nothing about it.

**Mr. Bradley:** I knew absolutely everything about it. Far more than the minister knew about it. I raised this issue on many occasions.

What happened was the person who operated it was a person who did not have a perfect record in terms of operating a business. I would have thought our alert Minister of Consumer and Commercial Relations, or at least officials of his ministry who in the past were caught asleep at the switch, would now be awake at the switch and would carefully monitor the person who was given the privilege of operating this business and putting Ontario's educational reputation on the line—at least in other countries—to ensure it was appropriately handled.

Unfortunately, the Minister of Education was finally forced to take action when this matter was raised. The health services department of the regional municipality of Niagara finally went in and closed the doors of this place—

**Mr. Nixon:** Thank God for Jim Bradley.

**Mr. Bradley:** —because it recognized the conditions that existed there were adversely affecting the educational component of High Park School.

**Hon. Miss Stephenson:** If there is anything I cannot stand it is a petulant little boy such as Jim Bradley. Just because he did not figure it out in the first place, he will spend the next three months complaining about it.

**Mr. Bradley:** It was not as though the local people made the judgement. They said, "You know, Bradley"—they referred to me in that fashion—"we thought you didn't look quite so good when the Ministry of Education went in and said: 'All is well at High Park School. We took a snapshot of it and it's fine.'"

**Hon. Miss Stephenson:** The member should hear the way they refer to him. It is not that pleasant.

**Mr. Bradley:** A person who is very high in the field of education and is now retired—the minister would know him—said to me: “I guess you were right after all. The ministry was finally forced to close this place down. They could not keep up the facade of an educational institution for much longer. They finally had to capitulate to your information, which was correct in the first place, and as a result the place was closed down.”

**Hon. Miss Stephenson:** That is absolute balderdash and the member knows it. Why does he keep misinforming the House?

**Mr. Sweeney:** The minister should watch her language.

**Hon. Miss Stephenson:** Pardon me.

**Mr. Bradley:** I thought I heard the minister say something about misinforming the House. Did the Speaker hear it?

**Mr. Sweeney:** She swallowed her tongue.

**The Deputy Speaker:** I missed some of the interjections. I was paying rapt attention to the member's comments.

**Mr. Sweeney:** We heard it.

**Mr. Bradley:** Someone mentioned the need for scrubbers. I will not read the statement of the Premier on that because I have already got in trouble for reading one of his statements. Instead, I will talk about the need for scrubbers on the part of Ontario Hydro for its smokestacks.

When our Minister of the Environment goes south of the border to discuss acid rain, he is quite aggressive and he likes to talk to the Americans about what they can do to clean up acid rain. We are pleased to see that, as we are when the federal minister goes down to say the same.

**The Deputy Speaker:** Order. Does the member intend to be repetitious?

**Mr. Bradley:** No.

**Mr. Nixon:** We have not done acid rain at all.

**Mr. Bradley:** I have not talked about acid rain and scrubbers yet.

**The Deputy Speaker:** I heard you discuss the frustrations of the Minister of the Environment.

**Mr. Boudria:** That was about water quality.

**Mr. Bradley:** That was about water quality. This is about scrubbers. The need for scrubbers is obvious. The Premier gave an indication that Ontario Hydro would install scrubbers. As a result, the emissions coming from the coal-fired plants in Ontario would be much cleaner emissions than we might have otherwise expected.

When any one of us, not just the Minister of the Environment, went south of the border to talk about air quality and acid rain, we could say that our own Ontario Hydro has undertaken a program to install scrubbers to ensure that with the funding—

**The Deputy Speaker:** Order. It is not for me to enter the debate. However, are we talking about the borrowings of Hydro?

**Mr. Bradley:** I am talking about how the Ontario government might be able to assist Ontario Hydro with the installation of scrubbers. If sufficient funds were available in this bill for that, we would be able to install those scrubbers and have much cleaner air than was the case in the past.

I have not spoken about the forest industry in Ontario yet. It requires assistance from the provincial government from time to time. We all remember the Brampton charter of 1977 when the Premier—not in the document I attempted to read into the record in the House tonight for about 15 minutes, but in a speech he made in Brampton where he outlined the Brampton charter for his re-election in 1977—promised to have two new trees planted in Ontario for every one that was chopped down.

That was the kind of promise that would appeal to environmentalists, to those concerned about the future of our forests and to ecologists, but it has not been fulfilled, partly because of the lack of sufficient designation of funds borrowed under the auspices of this bill for those purposes.

There are some areas of northern Ontario that are almost becoming deserts because of the lack of planting, according to my friend the member for Kitchener-Wilmot (Mr. Sweeney), who is familiar with these things. He says that unless we take some of the funds borrowed under this bill and designate them for the purpose of planting, we will be in difficult straits.

A lot of the borrowing taking place under this bill will be designated for the purpose of government advertising. Some government advertising is useful. For instance, there was the immunization program the government was insisting on in this province. There was advertising for that and I said, “Is it not a good idea to have an immunization program, and is it not a good idea to let the people know about it?” That is good, hard information, the kind that would get support over here any time.

There are other kinds of advertising taking place that have to be borrowed for under the auspices of this bill. When the government provides some funds to a hospital in one specific



area of the province, we get a third of a page or a half-page ad saying, "Your Ontario government has provided this much money for this project." That could be done through a press release. The minister would not have to borrow as much under the auspices of this bill if that kind of unnecessary advertising were eliminated.

**10:10 p.m.**

I believe I saw a figure of 17 per cent projected as the increase in spending under the money borrowed by the provincial Treasurer for advertising purposes. I think this is outrageous in the year 1984, but certainly totally to be expected as we head into an election in the fall or next year, whenever it happens to be. The Treasurer would be well advised to cut back on his borrowing in that area or at least to designate the funds in his borrowing for purposes other than government advertising, which is a nonessential purpose.

Money is needed to pay interest for land banking in this province, in Edwardsburgh, Townsend and so on. It is unfortunate that in the past a small-c conservative government undertook to become involved in land banking schemes which now require funds to be designated for interest payments on those schemes. I am sure you will agree with me, Mr. Speaker, that the government was unwise at that time and we are now paying the consequences.

Perhaps, as the Treasurer suggested in his budget, which was a document he read to the House—he read directly from that whole document without any kind of interjection or reprimand from either his own members or the Speaker—the government will be involved in some considerable spending there and might well be wise to unload some of the pieces of land it unfortunately purchased in the past. They might be able to get back some of their money.

We know a certain amount of money was designated for Minaki Lodge—\$45 million overall. If the federal government had undertaken an expenditure of that kind for the same kind of project it would be called a national catastrophe, but this government seems to have coasted through that to a certain extent, although it has received some adverse publicity.

The Treasurer would not have to borrow as much money if he were to eliminate the policy secretariats. I hate to say that with my friend the member for Carleton-Grenville (Mr. Sterling) here tonight.

**Mr. Nixon:** He is one of the best ministers over there.

**Mr. Bradley:** He one of the people I like in the government, even though he was mugged in the

hallway as he attempted to bring in his freedom of information bill. I think he could better be utilized in another ministry and we could save considerable money. The Treasurer would not, under the auspices of this bill, have to borrow as much money if he did not have to pay for the policy secretariats. We could easily eliminate them.

We have a cabinet that is larger than any other provincial cabinet. I think we have about 30 cabinet ministers at present. The members opposite always talk about the federal cabinet, which has about 36 ministers; yet for one province we have 30 ministers. Surely we do not need 30 ministers. We could get by with considerably fewer by eliminating the policy secretariats.

You will no doubt agree with me, Mr. Speaker, that there is no need to borrow funds under the auspices of this bill to pay for parliamentary assistants to the ministers. We have to worry about those things because we see the parliamentary assistants riding around in the government limousines. I understand the ministers are allowed to ride in a limousine. I do not begrudge a limousine to ministers who have a heavy schedule, who have to prepare their speeches, who have to do a lot of reading, who are going to be tired because of the long hours they put in. I know what it is like, when I have worked almost all night in my office here, to drive back to my riding in my own car, but I do not begrudge it to any of the ministers here.

**Mr. Nixon:** I do.

**Mr. Bradley:** My friend the member for Brant-Oxford-Norfolk does, but I have not been as critical of that as some. I am critical when I see the parliamentary assistants running around in this province in those same limousines.

**Mr. Nixon:** And deputies.

**Mr. Bradley:** And others. I think we could save a considerable amount of money by eliminating many of the parliamentary assistants in this province.

What else can we do?

**Mr. Nixon:** The plane trips. Work them over.

**Mr. Bradley:** We could also say that government aircraft should only be used for government business.

**Mr. Nixon:** Executive water bombers.

**Mr. Bradley:** The jet; we are not into the jet.

**Mr. Nixon:** They never told us what it cost to buy that and then sell it, and to put the blue plush on the toilet seat. We never got any figures on it.

**Mr. Sweeney:** Bernier's private moose reserves.

**Mr. Bradley:** I will not be distracted by those who insist I speak about private moose reserves or something like that in northern Ontario, alleged to be under the auspices of the Minister of Northern Affairs (Mr. Bernier), because I do not know much about that. I prefer to talk about the items we are borrowing for in this bill.

He can make all the faces he wants. He brought this upon himself.

**Mr. Nixon:** How about money for the new car plant? AMC.

**Mr. Bradley:** I have already discussed that.

I mentioned only one aspect of agriculture and food and that was the wine industry in the Niagara Peninsula.

**Mr. Piché:** Mr. Speaker, on a point of order: As the member for Cochrane North from northern Ontario, I have to take strong exception when the member for St. Catharines brings up the jet. That is something very serious as far as we are concerned in northern Ontario. They have been harmful by talking about it and by pressuring this side of the House to cancel it. We are trying to make this province smaller and we need aircraft. We need jet aircraft so one can go to northern Ontario and get back. What he has done to the people of northern Ontario—

**The Deputy Speaker:** Order. Talking about points of order, would the member please take his seat or he will have to leave.

**Mr. Piché:** He brings that up because he can drive home in his car, but what about us?

**The Deputy Speaker:** Order. For the last time, please take your seat when the Speaker is on his feet.

**Mr. Piché:** There has been a lot of harm to the people of northern Ontario.

**The Deputy Speaker:** Order. This is the last time. An occasion will come for you in the debate. In the meantime, send him a note.

**Mr. Bradley:** That is typical of the bad judgement that has brought us into this kind of mess already. There was no agreement with the member for Cochrane North from the member for Fort William (Mr. Hennessy), who voted for my resolution. He voted for it because he recognized that when we came to a bill such as this where we are borrowing money for government expenditures, it would be better spent on two water bombers, which would assist in maintaining the forests in northern Ontario, and could be used for other purposes, rather than

spending it on a jet for the comfort and convenience of the Premier and his cabinet.

**Hon. Mr. Brandt:** How many have the feds got?

**Mr. Bradley:** I was not elected to the federal House. That member should run federally.

**Mr. Sweeney:** This is the provincial Legislature. If you want to run in the federal election, you can go the next time.

**Mr. Speaker:** Order.

**Hon. Mr. Brandt:** Why do you not start being a little more honest for a change?

Interjections.

**Mr. Speaker:** Order. The Minister of the Environment will please resume his seat. The member for St. Catharines.

**Hon. Mr. Brandt:** Does he still have the floor?

10:20 p.m.

**Mr. Bradley:** I still have the floor and I intend to carry on providing for the members of this House views on how money can be better spent. I know it does not go over well with some of those members to have this kind of criticism. They would like to run a province where there were 125 Conservative members and everything ran the way they wanted it to run.

**Hon. Mr. Brandt:** There will be shortly. Hold your breath. It is coming.

**Mr. Sweeney:** If it were not for the federal money, this government could not do its job.

**Hon. Mr. Brandt:** I hope you can go back to teaching.

**Mr. Sweeney:** You would be out of a job if it was not for the federal money.

**Mr. Bradley:** The government does not have to borrow as much money as—let me put it this way, the government would have to borrow more money if it were not for the moneys that are derived from federal sources.

For instance, the federal government will provide in the collection of income tax, in 1984-85, about \$6,952,000,000.

**Mr. Nixon:** That is almost \$7 billion right there.

**Mr. Bradley:** That is almost \$7 billion right there.

In addition to this, payments from the federal government directly amount to a sum of \$4,188,000,000. As a result of that money being provided to the provincial government, the Treasurer is not forced to borrow more money than he has been forced to borrow under this bill.



We also wonder whether his projections for the growth in the provincial economy are going to be accurate enough to derive the kind of revenues he has anticipated in his budget speech. He anticipated what many people consider a rather optimistic rate of growth. That might have produced the revenues which he had suggested, but many in the province have agreed it is unlikely we will experience that kind of economic growth in this province; therefore, he might well be forced to borrow even more money or to cut back in other areas, mugging some of his fellow ministers.

**Mr. Sweeney:** Like he did with the Minister of Transportation and Communications (Mr. Snow) for the expressway.

**Mr. Bradley:** If one is to travel across northern Metro, there have been people there who have looked for transportation of the kind that might be provided by GO trains. I think many people anticipated an extension of the GO train service this year, which has allowed many people to get to and from Toronto in an expeditious fashion.

Were that money forthcoming from this bill, I know the Minister of Transportation and Communications would be pleased to move forward with many of those projects. Local transit commissions across this province would then be in a position to provide an extended service for the people in their communities and therefore diminish the need for the use of private automobiles and the need for expenditures in the field of road construction, at least at the municipal level.

I know the Treasurer, when he put forward this bill to the House for consideration, the borrowing of this amount of money, was obviously thinking of the stoplight in his riding that has to be provided, partially subsidized. He indicated to the municipal committee he appeared before that the money would have been provided by the Minister of Transportation and Communications.

**Hon. Mr. Gregory:** Do not use that. Why do you not take the high road for a change? You are lousy.

**Mr. Speaker:** Order.

**Mr. Piché:** Even Bob Nixon does not agree with you.

**Mr. Nixon:** Give it to him. You are on the high road now.

**Hon. Mr. Gregory:** You should be ashamed of yourself.

**Mr. Bradley:** I well recall the minister appeared before the committee as a genuinely concerned individual about—

**Mr. Nixon:** Looking for votes.

**Mr. Bradley:** I did not say looking for votes—a genuinely concerned individual about a traffic problem within his constituency. He knew when he appeared before that committee the municipality might well not be on its own if this bill were to pass and if he were to receive assistance through a designation of funds from the Minister of Transportation and Communications.

**Mr. Shymko:** Take a civilized approach. Be the gentleman I thought you were. You are not going for votes by this.

**Mr. Martel:** Is that you, Yuri?

**Mr. Speaker:** Order.

**Mr. Shymko:** Your leader took the right position this afternoon. I respect your leader but you guys are not following his example.

**Mr. Wrye:** Our leader took the right position 13 years ago.

**Mr. Speaker:** Order.

**Mr. Piché:** It is an embarrassment to the people.

**Mr. Shymko:** It is an embarrassment to the Liberal Party of Ontario.

**Mr. Speaker:** Order. The member for High Park-Swansea will please control himself.

**Mr. Bradley:** To continue my moderate remarks—

**Mr. J. M. Johnson:** Mr. Speaker, on a point of order: I wonder if the House would indulge a personal request. The member for St. Catharines has such a compulsion to speak. Would the House leaders agree that we could sit Thursday and Friday so we can listen to the member for St. Catharines?

**Mr. Speaker:** Order.

**Hon. Mr. Eaton:** Make it a motion.

**Mr. Piché:** I so move.

**Mr. Sweeney:** Just like we did last year.

**Mr. Speaker:** Order. If we are here to protect the democratic rights of others, surely—

**Mr. Piché:** It is being abused.

**Mr. Speaker:** I will be the one who decides that, not you.

**Mr. Bradley:** To continue on the bill for the borrowing of certain funds, the Treasurer, who was at one time the Minister of Health, would know the great need—

**Hon. Mr. Gregory:** The silly ass.

**Mr. Bradley:** The Mississauga rattler is rattling again.

**Hon. Mr. Gregory:** He is a jackass.

**Mr. Sweeney:** That does not sound like parliamentary language to me.

**Mr. Speaker:** The member for St. Catharines will continue.

**Mr. Bradley:** I know the member for Mississauga East (Mr. Gregory) would agree there is a great need for the provision of assistive devices to those in this province who are unable to afford those devices. They have asked on many occasions—

**Mr. Sweeney:** The member from Mississauga does not have people like that.

**Mr. Speaker:** Order. The member for St. Catharines has the floor.

**Mr. Bradley:** The assistive devices program that exists in Ontario for a certain number of people is one we in the opposition championed for many years. I know my colleagues the member for Rainy River (Mr. T. P. Reid), the member for Hamilton Centre (Ms. Copps) and others, as well as the former member for Hamilton West, spoke at some length on the need for the provision of artificial limbs and assistive devices for many people.

I do not think there is any member of this House who has not received a communication through the auspices of the Ontario March of Dimes indicating the special circumstances that exist for individuals in this province who need those assistive devices. In the borrowing of this bill, I hope sufficient funding will be provided

for that. In the past, these people have been left out.

We are not talking about the provision of something nonessential. We are talking about the provision of something essential to the wellbeing of individuals. It may not mean the difference between life and death, but it would certainly increase the quality of life for those people.

**Mr. Sweeney:** The difference between living and existing.

**Mr. Bradley:** My friend the member for Kitchener-Wilmot uses good phraseology when he says the provision of these assistive devices is the difference between living and existing. If funding were provided for that purpose under the auspices of this bill, we would certainly be in better shape.

**Mr. Speaker:** I have just been advised the government House leader has a motion to put before 10:30 p.m.

On motion by Mr. Bradley, the debate was adjourned.

## MOTION

### BUSINESS OF THE HOUSE

Hon. Mr. Wells moved that notwithstanding the previous order of the House, government business be taken up on the afternoon of June 13, 1984, following routine proceedings.

Motion agreed to.

**Hon. Mr. Wells:** I just might indicate that tomorrow afternoon we will proceed with Bill 141 in committee, followed by the other two bills standing in the name of the Minister of Labour (Mr. Ramsay).

The House adjourned at 10:31 p.m.



## CONTENTS

**Tuesday, June 12, 1984**

### Second readings

<b>Financial Administration Amendment Act</b> , Bill 88, Mr. Grossman, Mr. Stevenson, Mr. Nixon, Mr. T. P. Reid, Mr. Foulds, agreed to . . . . .	2451
<b>Ontario Loan Act</b> , Bill 74, Mr. Grossman, Mr. Bradley, Mr. Martel, Mr. Mancini, Mr. Gregory, Miss Stephenson, Mr. Foulds, Mr. Nixon, Mr. Piché, adjourned . . . . .	2455

### Motion

<b>Business of the House</b> , Mr. Wells . . . . .	2476
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### Other business

<b>Adjournment</b> . . . . .	2476
------------------------------	------

## SPEAKERS IN THIS ISSUE

Ashe, Hon. G. L., Minister of Government Services (Durham West PC)  
 Boudria, D. (Prescott-Russell L)  
 Bradley, J. J. (St. Catharines L)  
 Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)  
 Charlton, B. A. (Hamilton Mountain NDP)  
 Cureatz, S. L., (Durham East PC)  
 Eaton, Hon. R. G., Minister without Portfolio (Middlesex PC)  
 Foulds, J. F. (Port Arthur NDP)  
 Gillies, P. A. (Brantford PC)  
 Gregory, Hon. M. E. C., Minister of Revenue (Mississauga East PC)  
 Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
 Johnson, J. M. (Wellington-Dufferin-Peel PC)  
 Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
 Kennedy, R. D. (Mississauga South PC)  
 Mancini, R. (Essex South L)  
 Martel, E. W. (Sudbury East NDP)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Philip, E. T. (Etobicoke NDP)  
 Piché, R. L. (Cochrane North PC)  
 Reid, T. P. (Rainy River L-Lab.)  
 Robinson, A. M., Acting Speaker, (Scarborough-Ellesmere PC)  
 Samis, G. R. (Cornwall NDP)  
 Sheppard, H. N. (Northumberland PC)  
 Shymko, Y. R. (High Park-Swansea PC)  
 Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities (York Mills PC)  
 Stevenson, K. R. (Durham-York PC)  
 Swart, M. L. (Welland-Thorold NDP)  
 Sweeney, J. (Kitchener-Wilmot L)  
 Turner, Hon. J. M., Speaker (Peterborough PC)  
 Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
 Wrye, W. M. (Windsor-Sandwich L)













# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**  
Wednesday, June 13, 1984

Speaker: Honourable John M. Turner  
Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, June 13, 1984

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### TASK FORCE ON FINANCIAL INSTITUTIONS

**Hon. Mr. Elgie:** Mr. Speaker, I am pleased to announce today the establishment of a Task Force on the Organization and Operation of Financial Institutions in Ontario. The primary purpose of this task force will be to examine the organization and operation of financial institutions in Ontario and determine what pressures on that financial system may require attention from government.

Historically, Ontario has benefited from a so-called four-pillar financial system in which banks, trust companies, insurance companies and investment dealers have each offered certain distinct yet complementary services. This segregation of financial services is the result of both historical evolution and legislation flowing from the separation of legislative powers in the British North America Act.

Recently, however, significant technological, organizational and economic changes occurring in Canada, the United States and elsewhere are leading to varying degrees of integration of these once-distinct financial services. As a result, there is a growing need in Ontario to review the potential impact of such changes on our financial system and the government's regulatory policies.

The Ontario government is committed to remaining responsive to the needs of our financial system, its users and the public interest. We must ensure that any new policies developed will have the benefit of consultation with the financial community and with consumers.

The task force is therefore asked to prepare a preliminary report setting out, first, recommendations concerning any issues the task force believes the government might want to consider immediately; second, the task force's proposed course of action for the review of the key issues it proposes to address in its final report; and, third, the manner in which the task force proposes to engage in open consultation with the financial

community, its client groups and the public in the course of its future work.

I am very pleased to introduce to the House the members of the task force, who are in the Speaker's gallery. They are Dr. J. Stefan Dupré, a highly respected professor of political science, who recently served as chairman of the Royal Commission on Matters of Health and Safety arising from the Use of Asbestos in Ontario, who will chair the task force; Mr. Alexander John MacIntosh, QC, a partner in the Toronto law firm of Blake, Cassels and Graydon, a deputy governor of the Hudson's Bay Co., chairman of the board of Canadian Corporate Management Co. Ltd. and director of nine major Canadian Corporations, including the Canadian Imperial Bank of Commerce; and Mr. A. Rendall Dick, QC, under-treasurer of the Law Society of Upper Canada, who has served the Ontario government as Deputy Treasurer and Deputy Attorney General. Mr. Dick brings with him more than 25 years of senior government service.

We are fortunate to be able to obtain the services of these three outstanding individuals, who bring with them the needed balance of academic, business and government experience to make the task force an effective one. If I may, I would ask them to rise and be recognized.

I have carefully considered the potential for any perceived conflict of interest on the part of any of the task force members and I am completely satisfied that such potential is outweighed by the wide-ranging expertise and personal integrity of each member of the task force.

I have asked the task force to provide me with an interim report by the end of the year.

### ATTENDANT CARE SERVICES

**Hon. Mr. Drea:** Mr. Speaker, as you know, my ministry is committed to helping disabled and handicapped people achieve dignity, independence and, to as great a degree as possible and appropriate, the autonomy and freedom they need to choose lifestyles of their own. It gives me pleasure to describe to you ways in which we will endeavour to do this.

Not long ago the Treasurer (Mr. Grossman) announced, as part of his budget statement,



attendant care initiatives that will cost in the order of \$30 million over the next five years. We are already providing these services to 424 severely handicapped people who might otherwise require institutionalized care in communities all over Ontario. We will now increase that number by meeting the needs of an additional 630 people.

The attendants, whose services are paid for through the support service living unit program, remain on duty in shifts 24 hours a day. They work in shared accommodations that typically house 10 severely handicapped people or in large apartment complexes which include a number of units occupied by physically handicapped residents.

Many of these physically handicapped residents hold jobs while others go to school. In every case they require assistance with daily living functions such as preparing meals, eating, grooming, bathing and dressing. These are tasks that would pose tremendous barriers for severely handicapped people living on their own. The duties of the attendants are restricted exclusively to the provision of personal assistance. They do not, for example, provide medical or professional services.

Our attendant care program has grown steadily since it was introduced in the late 1970s. At this time, some 424 severely handicapped clients living in designated housing are being served. The program in 1983-84 cost \$5.4 million.

I should mention that accommodation costs are not a part of this program, but instead are subsidized on a rent-geared-to-income basis by the Ministry of Municipal Affairs and Housing. The funding of my ministry's program will be utilized exclusively to finance the salaries of the attendants. This will enable us to expand the program to reach an additional 390 severely handicapped persons over the next five years.

Over and above the program to expand attendant care services, we intend to establish an outreach service. This outreach program will provide the same kind of assistance with daily chores where possible and appropriate to people living on their own, in pairs, in groups or, in some cases, with relatives. The function of this program is to complement existing homemaker and nursing visitation services, but not in any way to supplant them. Over the next five years the ministry will develop 30 such outreach programs serving the special needs of approximately 240 severely handicapped people.

2:10 p.m.

Both of these programs will help people who by their nature are self-sufficient but who, because of their severe handicaps, are in need of assistance. In many cases a helping hand extended once, twice or a few times a day will make it possible for people to remain in or return to their own homes, where they can maintain control over their own lives. For such people this funding will secure a large measure of freedom.

## VISITORS

**The Acting Speaker (Mr. Cousens):** I am pleased to draw the attention of members to a distinguished group of parliamentarians from British Columbia and Nova Scotia in the Speaker's gallery. Here as guests of the Ontario branch of the Commonwealth Parliamentary Association are the Honourable George Henley, Minister of Lands and Forests for Nova Scotia; Mr. Christopher D'Arcy, MLA for the riding of Rossland-Trail, British Columbia, and Mr. Alan Lawrence Passarell, MLA for the riding of Atlin, British Columbia.

I am certain all members join with me in extending a warm welcome to our parliamentary colleagues. We are glad to have you here.

## ORAL QUESTIONS

### INDIAN BAND AGREEMENT

**Mr. J. A. Reed:** Mr. Speaker, I have a question for the Provincial Secretary for Resources Development. This involves a continuing agonizing issue that has been unresolved for 14 years in this province, namely, the settlements by the companies that have assumed responsibility for the mercury pollution surrounding the issue of the Grassy Narrows Indian band.

I realize the minister has made some statements on this issue, but can he tell us if it is now his position that the native peoples should sue Great Lakes Forest Products to achieve some sort of settlement? How else are they going to get one, considering that the government has been so blatantly and obviously inactive on this issue?

**Hon. Mr. Sterling:** Mr. Speaker, the issue I have been asked about is one to which I have responded before. Basically, the issue is a suit between the Whitedog and Grassy Narrows bands and Great Lakes Forest Products. The only involvement of the provincial government in this issue was in the negotiation of the sale of the plant at Dryden from Reed Inc. to Great Lakes. In order to consummate that deal and clean up the situation in relation to the cause of some of the pollution in the Wabigoon River, we said to



Great Lakes that if it bought this plant and fixed the problems causing the pollution, we would indemnify it over and above \$15 million in total settlement, as approved by our Attorney General (Mr. McMurtry).

We have never advised the Indian bands, any individual Indians or any tourist operators to bring or not to bring suit against Great Lakes. My advice to any citizen who is involved in a civil dispute, as this is, between the bands and Great Lakes is to pursue every avenue to bring the issue to a head. Therefore, I met last November with the Honourable John Munro, the federal Minister of Indian Affairs and Northern Development, the two bands and the Indian commissioner of Ontario. At that meeting we urged Great Lakes to put another offer on the table.

The honourable member may have read press accounts, and I was asked in the House by the member for London North (Mr. Van Horne) the other day about this matter. I am doing everything I can on behalf of our government to bring Great Lakes back to the table to place a legitimate offer in front of the bands in order to resolve this matter, even before the consummation of any lawsuit.

**Mr. J. A. Reed:** It is particularly frustrating to people who are observing what is not going on and what is not progressing. The company did assume responsibility and it received grants from the public purse of Ontario and the guarantee of a \$15-million upper limit from this province. Yet the province continues to do nothing and even now holds the option open that the Grassy Narrows band may have to sue Great Lakes in order to get the issue resolved.

If the minister negates his responsibility totally and the only option left to the band is to sue in the courts, will he then undertake to rescind the "cocooning" letter that was reissued on January 28, 1982, guaranteeing a cap of \$15 million on Great Lakes? What in blazes is he going to do about this?

**Hon. Mr. Sterling:** I do not know how the member views the function of government when there is a civil lawsuit between two citizens within our province. As I view it, the responsibility of our government is to try to mediate as well as possible between these two groups. I cannot guarantee what Great Lakes Forest Products or the two native bands will agree to. That is for them to decide between them.

The Honourable John Munro made some threats following our meeting in November. I did not make those threats because I realized it was a

civil matter between two groups. I am attempting in every way to reach a conclusion to the matter. I am trying to remain reasonable between the two, although I share the member's frustration and the frustration of both sides that this matter has not been resolved before now.

**Mr. Van Horne:** Mr. Speaker, my colleague mentioned that the government has given a considerable number of dollars in grants to the paper company in question. We understand it is in the neighbourhood of \$32 million. There is also the cap of \$15 million as the settlement limit.

Can the minister not give this House, or for that matter the people directly involved at Grassy Narrows, any understanding that he will use the power he has to bring both parties to the table and have this issue resolved? They are tired of being pushed from pillar to post and having nothing but words. They want action. What kind of action is this government going to come up with to resolve the situation?

**Hon. Mr. Sterling:** Mr. Speaker, I have indicated before that any grants that were given to this paper company were applied for and given to it in the same way as any other paper company would be entitled to them. The member may or may not agree that people should be dealt with in equity and in spite of any civil actions that are going on between various groups or citizens within our province. I would prefer it if no government took a stance in trying to resolve a private matter by using unfair leverage against one group.

We have not changed our position on the cap of \$15 million. I have indicated to Great Lakes that if it comes forward with a decent proposal, if it puts an offer on the table, our government is willing to consider any offer it puts forward. It has not done that to date. I am hopeful that will happen in the not too distant future.

**2:20 p.m.**

#### ELECTRICAL WORKERS' DISPUTE

**Mr. Sargent:** Mr. Speaker, I want to congratulate the Minister of Community and Social Services (Mr. Drea) for his announcement today. It was very important.

I have a question for the Minister of Energy with regard to the current strikebreaking program by Ontario Hydro; the scandalous waste of billions of dollars by Hydro, such as \$1 billion on Lennoxville; the cancellation of Wesleyville halfway through construction, at a cost of \$460 million; the design program calling for retubing, costing about \$1.3 billion; the \$900 million in cancelled oil contracts with Petrosar; the ex-



penditure of \$396 million at Bruce C and the cancellation of the program because it is not needed, and the \$7.5-billion uranium program with Denison Mines.

How can the minister sit idly by as 1,500 electrical workers go into the sixth week of their strike, and stop bargaining in good faith while at the same time shutting down the whole construction program? If the minister gives the electricians what they want this year, it will cost only \$600,000. Can the minister tell me why he is not going to do something about it?

**Hon. Mr. Andrewes:** Mr. Speaker, I appreciate the honourable member's question, although I cannot say I associate the whole litany of alleged Hydro waste with this current labour dispute. It would be totally unfair, as it is unfair to suggest that Hydro, as the employer, is bargaining in bad faith.

I understand the member has offered his services as a mediator in this dispute. I only remind him that since day one, the Ministry of Labour has been part of the mediation of this dispute.

There are issues before both parties. On June 4, when the last bargaining session was held between Hydro and the union, Hydro proposed a revised offer, but the union did not make a move at that time. The Ministry of Labour continues to play a very important role in the mediation of this strike and stands ready to reconvene the bargaining process when and if both parties are prepared to make some moves.

**Mr. Sargent:** The member for Huron-Bruce (Mr. Elston) and I made a conference call yesterday to the chairman of Hydro and the union. The bottom line was that the chairman of Hydro wanted to get the show on the road, break the impasse and begin new talks, yet the government's current negotiator, Mr. O'Neill, says he will not budge from his position; Hydro refused to change its position.

**The Acting Speaker (Mr. Cousens):** Supplementary?

**Mr. Sargent:** I am going to try to get it across.

We met for three hours this morning with the ministry people and the people from Hydro. These people have no pension, no strike pay and no hazard pay. They are operating at \$1 per hour less than their fellow electricians in Ontario. I think a very stupid stand is being collectively taken at Hydro in not getting this cleaned up and back to business.

**Hon. Mr. Andrewes:** Once again I think the member wishes to oversimplify a rather compli-

cated bargaining process. The utility has made a diligent attempt to settle the strike. Mr. Mancini, the mediator from the Ministry of Labour, is very highly respected. I do not think he is a relation of the member for Essex South (Mr. Mancini).

**Mr. Elston:** A highly respected member.

**Hon. Mr. Andrewes:** A highly respected member.

I understand Mr. Mancini is available and willing to participate in the mediation of this dispute, but we await some response from the union on the June 4 offer, about which at this point the union is not prepared to move from its position.

**Mr. R. F. Johnston:** Mr. Speaker, it is my understanding that in the discussions that were held by the two members and Ontario Hydro, Mr. O'Neill said he was not being given room to move any further. Why will the minister not instruct Hydro that it should give him a bit of room to move to bring them back to equity with the other electrical workers on those sites, instead of wasting millions on something that could be settled for peanuts?

**Hon. Mr. Andrewes:** Mr. Speaker, I was not privy to the discussions that were held between Mr. O'Neill and the members of the Liberal caucus. I can only caution the honourable member that to suggest I should be intervening in a dispute between a union and an employer in a complicated labour dispute is ridiculous.

**Mr. Sargent:** The minister is correct about Terry Mancini. We have talked to him and he is willing to go to bat, but he sees no grounds on which to talk because the minister will not get off his ass and do anything. He wants to do a job, but the minister will not help him. He could at least do something as minister to show that he earns his paycheque every once in a while.

**Hon. Mr. Andrewes:** I do not see a question in that statement by the member. I could suggest some easier terminology for his question. I have already reiterated that Ontario Hydro has made moves to settle this dispute and that it is waiting for the union to respond to those moves. That has not taken place. The last position put forward by the union was that it had turned down the company's most recent offer.

#### INDIAN BAND AGREEMENT

**Mr. Wildman:** Mr. Speaker, I have a question for the Provincial Secretary for Resources Development. While he is returning to his seat, I might point out that the Liberal



members of this House might do better to talk to John Turner—

**The Acting Speaker (Mr. Cousens):** The minister is in his seat.

**Mr. Wildman:**—who has just been re-elected to the board of directors of Canadian Pacific, a major shareholder in Great Lakes Forest Products. Having said that, I would like to return to this minister's role.

My question arises specifically from the statements the minister has been making. Is he not aware that by making statements that he is "not closing the door" on Great Lakes' demands for reduction of its liability for compensation for the destruction of the lifestyle and livelihood of the reserves, and that Great Lakes' liability has not been proved and the bands might have a weak case in court, he is encouraging Great Lakes to remain inflexible and to renege on the commitments it made in 1979?

Does he not realize his statements encourage Great Lakes to continue to stall these negotiations, which have been going on for almost six years? Why is he not pressuring Great Lakes to live up to its commitments and to make a realistic settlement offer rather than saying, as he has to date, that he is just an outside mediator of some sort and is not directly involved? This is a public matter and not a private matter.

2:30 p.m.

**Hon. Mr. Sterling:** Mr. Speaker, I disagree with the honourable member. I know that quite the opposite is true. I know that when this issue about the \$15-million upper limit was raised in November, both bands stood by silently while I defended the position of the government that it should stick fast to it.

As the member indicates, the matter has been going on for some time. I was asked why it had gone on for some time, and I said I could not understand, as a former practising lawyer, why it had not progressed further in the courts. Somebody was asking me to speculate on why, and I speculated why it might or might not be so.

The present state of the situation is such that all the allegations the member makes are incorrect and, as I said in answer to the previous question, I am hopeful that a solution is not very far down the road.

**Mr. Wildman:** Can the minister explain why, as he has stated in the press, he seems to accept the reasoning of Great Lakes for their intransigence to the effect that they "have to sell a better deal to their shareholders"?

If he does accept that Great Lakes is having some financial problems and is having difficulty persuading the shareholders as a result of them, why is it that, even though Great Lakes' profits have been falling in the last year, it has maintained such healthy dividend payments to its shareholders, such as Canadian Pacific Enterprises? If it can continue to make such good dividend payments, why can it not make a decent settlement offer, and why is the minister not encouraging it to do so?

**Hon. Mr. Sterling:** I made the very same plea at the November 14 meeting. Why should the taxpayers of Ontario accept a lesser cap than \$15 million? I made that in front of the Minister of Indian Affairs and Northern Development, I made it in front of the two bands and I made it clear to Great Lakes that I would not accept anything less than that at that time as long as an offer by that company was not placed on the table.

It has not come forward with an offer to this time. I do not accept that the company or the shareholders have to be sold on one thing or the other. I made the point at that meeting that \$15 million had been acceptable to Reed Inc. and to Great Lakes when the deal was struck back in 1978, and that is the way it should be. However, when you get down to the final crunch as to whether another deal has been offered, no deal has been offered.

The situation is that the Indian bands have not brought their case to court, so we are no further ahead this month than we were back in November. My conclusion was that I should sit down with Great Lakes, which has been communicating with me, along with Reed Inc., and I have been communicating with the Minister of Indian Affairs and Northern Development, to try finally to bring this matter to a resolution.

I do not know what else I can do. As I said before, I disagree with the member's perception of the role of government in the whole issue, because it is basically a civil suit between two citizens.

**Mr. J. A. Reed:** Mr. Speaker, if the minister is not sure what else he can do, perhaps he can accept some suggestions.

**The Acting Speaker:** I thought you were going to ask a supplementary question.

**Mr. J. A. Reed:** I just hope you time my preamble in the same manner as you time the preambles of other members' questions and ministers' answers.

**The Acting Speaker:** I am concerned about the length of the last answer.



**Mr. J. A. Reed:** The ministry does accept a moral responsibility. The government has some areas of control, one of them being the "cocoon" letter, which set the ceiling at \$15 million. If the government is totally impotent in this and cannot bring about a solution, would the minister undertake to rescind that letter "cocooning" Great Lakes? That is one thing the government can do.

Another is the fact that Great Lakes Forest Products has first refusal on 19,000 square miles of cutting rights. Does that not offer some fairly powerful leverage to this government, or does the government feel totally impotent in this? What is the minister going to do?

**Hon. Mr. Sterling:** First of all, Mr. Speaker, our government is not predisposed to renege on an agreement it made with anybody, whomever it is. The agreement, and the honourable member should read the letter, related to our responsibility in taking over this particular company and our overall limitation on it. As I indicated before, I do not think at this stage of the game that threats are going to resolve the matter.

As the member may know, after that November 14 meeting, there was some suggestion by Mr. Munro that he was going to finance the lawsuits that the bands were going to bring on. To my knowledge, that matter still remains unresolved. He was going to take that role in it; if that is what he decides he wants to do, that is fine and dandy. I think I have some prospect of a positive solution to it.

**Mr. Foulds:** Mr. Speaker, threats may not settle the matter, but some backbone might. Why is the government aiding and abetting Great Lakes in its attempt to weasel out of its agreement, not only with the Indian bands but also with this government?

I wonder whether the minister is aware that the Thunder Bay Chronicle-Journal's editorial on Saturday last said the following:

"Great Lakes Forest Products is finally flying its true colours, and they are all shades of yellow. This corporate giant...has shown itself to be a moral dwarf.

"Great Lakes and Reed Inc., its partner in ethical crime, have all but turned their backs on the Indians of the English-Wabigoon river system, who are dying a slow, agonizing social, cultural, economic and, perhaps, physical death from mercury poisoning.

"The bands are poor. They do not have the money to take Great Lakes, an arm of the richest corporation in the land, to prove that damage done."

**The Acting Speaker:** The member is asking a supplementary question.

**Mr. Foulds:** Is the minister aware of this editorial, which his officials should have brought to his attention?

**The Acting Speaker:** Maybe the member has done enough so he has an answer.

**Mr. Foulds:** Great Lakes knows it, and continues its reprehensible stalling. Is the minister going to allow Great Lakes to continue its reprehensible stalling? Is he going to show some guts, some backbone? Is he going to get himself, the Minister of Natural Resources (Mr. Pope) and the Premier (Mr. Davis) to the table with Great Lakes and get a settlement of this matter which has gone on for far too long?

**Hon. Mr. Sterling:** Mr. Speaker, that is such a silly accusation that I refuse to answer it.

#### ILLEGAL RENT INCREASES

**Mr. McClellan:** Mr. Speaker, I have a question of the Minister of Consumer and Commercial Relations with respect to illegal rents at 140 Carlton Street.

I have obtained from the files of the Residential Tenancy Commission a set of 1976 rent orders for 261 out of the 394 apartment units at 140 Carlton Street, plus a complete computer printout of the 1982 rents being charged for each apartment.

Would it come as any surprise to the minister to learn that of the 261 units for which information is available, illegal rents are being charged for 130 of them? Can he specifically explain why, since this information has been in the files of the Residential Tenancy Commission since 1983, no action was taken to enforce the law? Why was the law of this province violated with absolute, utter impunity?

**Hon. Mr. Elgie:** Mr. Speaker, I think if the honourable member reviews the records of the Residential Tenancy Commission, he will find it is not an issue that is allowed to take place with impunity.

The member knows full well, for example, that during the last fiscal year something close to \$1 million was recovered through the mediation process of the rent review commission. He knows full well that tenants have complete access to obtain those rent rebates with respect to illegal rents, and have done so. He also knows full well that once the amount exceeds a certain level, it is a matter that must go to county court.

Those avenues for redress are there, and they are taken up by many people who feel their rents are excessive.



2:40 p.m.

**Mr. McClellan:** Would the minister be surprised to learn that out of 394 units, the 130 that were charging illegal rents were charging a minimum of \$120 a year, the average illegal rent over the 130 apartments charging illegal rents was \$535 a year and the total ripoff is \$69,660 a year? Out of idle curiosity, if I sent the documentation to the minister as a formal complaint, can he tell me what action he would take to protect the tenants at 140 Carlton Street, to enforce the law and to recover the \$69,660 a year that has been stolen from these people?

**Hon. Mr. Elgie:** If the member would be good enough to send the material to me, it will certainly be reviewed and I will be glad to advise him what, if any, action would flow from that.

Let us not try to leave the impression in this House that there are no avenues through which such issues can be dealt with. They are being dealt with every day. They are being dealt with through a mediation process the rent review commission has in place. They are being dealt with through applications for rent refunds by the commission. They are being dealt with through court applications to the county court when the levels exceed certain amounts. There are processes in place for those who choose to use them, and they are being used. I will certainly review the material he sends.

**Mr. McClellan:** The only impression I am trying to leave with the House is that there are probably hundreds of thousands of apartments exactly the same as those at 140 Carlton Street in which the rent review laws of this province are being violated and landlords are thumbing their nose at the RTC and this government.

When does the minister intend to bring in a mandatory rent registry? When does he intend to empower the Residential Tenancy Commission actively to monitor rents and enforce the laws of this province? When is he going to bring in a measure that will include retroactive enforcement so landlords such as the one at 140 Carlton Street will not have windfall, illegal, ripoff profits? When is the minister going to stop hiding behind his lackadaisical Thom commission and bring in measures he said were urgent in November 1982 and tenants have been clamouring for since 1978?

**Hon. Mr. Elgie:** Speaking to the issue of a lackadaisical commission, and I say this with respect, it is very easy for people to criticize in this Legislature with impunity the way some members do. I have to repeat that this minister and this government, and I am certain many

members of the opposition parties, have the greatest respect for that commissioner and his integrity.

**Mr. R. F. Johnston:** Garbage. The minister knows the commissioner strung him along. He has even said so privately. He has been attacking him privately.

**Hon. Mr. Elgie:** The member should not say silly things about it. He should show some class around here for a change. It will be troublesome for the member, but he should try it. He might like it. He knows very well the commissioner is reviewing some of these very issues. When that report is received, the government will review it and reach a determination on what response there should be.

**Mr. Mancini:** Mr. Speaker, I have a question of the Minister of Health (Mr. Norton) who was in his seat only five seconds ago. Is the minister within hearing distance?

**The Acting Speaker (Mr. Cousens):** I suggest you stand down until he comes.

#### GREAT LAKES WATER QUALITY

**Mr. Elston:** Mr. Speaker, I have a question for the Minister of the Environment, who has been waiting with bated breath for some time for a question.

My question relates to the quality as well as the quantity of the Great Lakes waters which are being considered by an august group of citizens of this nation, and of the United States as well, at this time in this fair city. The new problem facing us now is not that of continuing acid rain or of the leachate around the Niagara River, but what has been designated as toxic rain by the Toronto drinking water study.

Will the minister agree with me that the problem of toxic rain causes a grave concern for the safety and drinkability of the waters of the Great Lakes system? Can he advise us what he plans to do about studying the elimination of this problem that faces us?

**Hon. Mr. Brandt:** Mr. Speaker, as the honourable member is aware, the filtration systems that we have in place in the province at the moment, to the best of the scientific evidence I have at hand, would indicate our water is being more than adequately treated.

We are, as he well knows, continuing with further studies with respect to carbon filtration, such as the Niagara project, in which we are investing the sum of \$1 million over a three-year period to try to determine whether or not some of the trace contaminants, such as the ones identi-



fied by the member, can be removed through that process.

I really believe, and I say this sincerely, that although there are arguments pro and con, I recognize at this time we do have more than an adequate, safe quality of drinking water in this province and we intend to keep it that way. I drink it every day, as the member can see.

**Mr. Elston:** This minister has become known as a real tiger in some fields, but definitely not in the environmental field. I would like to ask this minister if he has read the report that indicates, if I may reduce the information that came out of the Toronto drinking water report to pounds per year, there are 5,069 pounds of polychlorinated biphenyls, 2,089,393 pounds of zinc, 835 pounds of lead, 3,900 pounds of benzo(a)pyrene and 310 pounds of DDT per year falling into our water systems.

Since we are at a critical stage with respect to the fallout of these toxic chemicals from the atmosphere, some having been raised by wind-blown dust off farm lands and other places, can he tell us how he can allow his air resources program to be cut by \$443,000, some six per cent, from \$7.5 million-plus to \$7,225,000? Can he tell us what he plans to do to ensure a full and fair treatment of the air resources branch of his ministry with respect to dealing with this critical problem?

**Hon. Mr. Brandt:** Very shortly we are going to have an opportunity to deal with these questions in some detail during the course of our estimates, as the member is aware. But I want to assure him that while there have been some adjustments in the administrative end of the Ministry of the Environment budget, there have not been any cutbacks in its budget.

There have been reallocations and there have been some changes within the ministry. Part of the reason there have been the kinds of shifts the member has talked about in the air resources branch is the fact that we have introduced some rather sophisticated new state-of-the-art monitoring equipment, which is going to save us some money in certain respects and in certain instances.

I am sure the member would support the fact that we have invested money to save money. On this side of the House we attempt to bring about some economies on occasion in the interests of the people in the province. The member has never quite understood that, but if we can save \$1, we are going to do it. Then we can reduce taxes or bring in the type of very admirable

budget the Treasurer (Mr. Grossman) brought in just a little while ago.

## STRIKEBREAKING LEGISLATION

**Mr. Mackenzie:** Mr. Speaker, I have a question of the Minister of Labour. Can the minister give this House an update on the situation at Radio Shack in Barrie? Is the minister aware of the rather vicious and deliberate strikebreaking tactics going on again and the number of scabs being bused across the line in vans in that strike? Are we not seeing a replay of an unfortunate situation of two or three years ago?

**Hon. Mr. Ramsay:** Mr. Speaker, I am getting daily reports on the Radio Shack situation. I am not happy with the circumstances. Ray Illingworth, who is the director of Ontario conciliation and mediation services, along with mediator Fraser Kean, last met with the principals in this strike a number of days ago and further mediation was not deemed appropriate at that time.

**2:50 p.m.**

The two sides are a considerable distance apart. They have polarized in their positions. It is very unfortunate. We are prepared to do everything we can to get the parties together again, but thus far we have not been able to do so.

**Mr. Mackenzie:** Are the workers in a plant such as this forced once again into the tremendous cost and effort of attempting to set up a province-wide or country-wide boycott to achieve their aims? Will the minister not realize that what is at stake here is the almost total ineffectiveness of strikebreaking legislation in Ontario?

We thought we had got over that in some of the cases, but that is exactly what is at stake here. This company has no intention of bargaining with the employees in that plant; it is the second attempt to bust the union at that plant. The minister must know it. Is he not now prepared to take a look at effective anti-strikebreaking legislation in Ontario?

**Hon. Mr. Ramsay:** Fortunately, this is an isolated circumstance. It is not the usual case. We do not hear about the very heavy percentage of agreements reached without incident or without rancour. Radio Shack is unfortunate; it is a unique situation in Ontario. We have excellent labour relations in Ontario and the short answer to the member's question is no, I am not prepared to introduce strikebreaking legislation at this time.



**Mr. Mancini:** Mr. Speaker, strikebreaking legislation would not interfere with the collective agreements being signed on a regular basis without confrontation.

I want to refer to the minister a question that is supplementary and one that I asked him about a week ago. I reminded him that during the Labour estimates I had asked him to compare the legislation we have in Ontario with the legislation in Quebec to see how well that legislation has worked. At that time the minister said he had some reservation about the legislation in Quebec. The minister did not get back to me on that point.

Why does he not compare the legislation we have here to the legislation in Quebec—

**The Acting Speaker (Mr. Cousens):** This is—

**Mr. Mancini:** It is directly supplementary.

**The Acting Speaker:** It is not so close. The member may proceed with it.

**Mr. Mancini:** Why does the minister not compare our legislation with the legislation in Quebec to see whether the Quebec legislation has had a harmful or a helpful influence?

**Hon. Mr. Ramsay:** Mr. Speaker, I have compared that legislation. I have also compared the circumstances in Ontario with those in British Columbia. We are very fortunate in Ontario to have an excellent environment for labour relations. It has not been an accident. It has been the work of some very responsible people in the labour movement, in management and in government. I do not see a need to move further than the present legislation.

#### INSPECTION OF NURSING HOMES

**Hon. Mr. Norton:** Mr. Speaker, on Monday June 11, the member for Windsor-Riverside (Mr. Cooke) directed a question to me about the Brillium Villa Nursing Home in Sarnia and suggested there had been a problem with a leaking roof. While directing that question, he also alleged a lack of enforcement by the enforcement staff of my ministry with respect to that home.

I would like to respond today, because at that point I did not have detailed information available. I assure you, Mr. Speaker, I shall be brief and to the point.

It is true that last fall there was a problem with a leaking roof at this nursing home, and as a result of inspections by our staff there was an undertaking to temporarily patch the roof, pending a replacement of it this spring. In May this year the replacement of the roof was undertaken. On May 25, the date on which there

happened to be a heavy rainstorm, parts of the roof had been removed for replacement purposes.

It is true a portion of the ceiling in the staff room did fall, but no one was in danger. The suggestion by the member that there was some risk to residents because of leaking in the corridors is incorrect. There was no leaking either in the residents' rooms or in any areas of the building used by them.

The member may wish to correct the record and retract his allegation that the staff of my ministry was ineffective. What was undertaken was a result of the effective work of the staff of my ministry.

#### SPRAY PROGRAM

**Mr. T. P. Reid:** Mr. Speaker, I have a question for the Minister of Natural Resources concerning some friends of his, choristonera fumiferana, otherwise known as the spruce budworm.

Can the minister explain why his spraying program in northwestern Ontario was stopped or did not go forward this spring in an area where there are about 100,000 cunits of susceptible species that could well be affected by spruce budworm and that could have been treated with bacillus thuringiensis, which is not toxic to human beings?

**Hon. Mr. Pope:** Mr. Speaker, as I recall the circumstances, it was a combination of Bt, a bacterial agent, and a chemical compound, both of which were proposed to be sprayed. I felt there was no indication of the value of timber that was at imminent risk. A spray program had not been conducted in the area since 1968. There was no detailed information on what other values were to be protected, and there had not been proper consultation with the other resource users in the area, particularly, as I understand it, on the south shore of Lake Shebandowan.

Lacking that kind of detailed specific information both from the industry, which I presume it has admitted to the member it did not have, and from ministry staff, I asked the industry to come back with more detailed information and a long-term program that would get into the spraying of necessary bacterial or chemical agents on an ongoing organized basis to retard the spread of the spruce budworm. I also asked the industry to review its timetable for discussions with the public to make sure the public had more of a chance to be informed and involved in the necessary discussions that precede a spray program.



I am not averse to aerial spraying or ground application of chemical and bacterial compounds to contain spruce budworm or any other infestation or disease. In northeastern Ontario, Timiskaming and Cochrane districts, my own area of the province, such a spray program has been going on in an organized fashion over the last five to six years that I am aware of. I have no predisposition against the spray program, but this was not an organized, long-term spray program I felt comfortable with. I told the industry to go back and develop one and it is aware of that.

**Mr. T. P. Reid:** The minister's answer says more to the lack of competence of his ministry staff than anything else. In this House we have heard about the lack of inventory in the forests of Ontario. If the minister knew what he had, he would know what was going to be affected by the spruce budworm. It will affect not only the balsam fir but eventually the spruce as well.

Is the minister aware that the highest spread of infestation is in northwestern Ontario, that it covers about two million hectares, that it is increasing and that some of the pulp and paper companies were trying to co-operate with his ministry to go ahead with the spraying program? Is it not a fact this has more to do with the possibility of an election and the minister not wanting to cause any concern to anybody than with looking after the forests that are his responsibility?

**3 p.m.**

**Hon. Mr. Pope:** Now it is the member for Rainy River who does not know what he is talking about. There was no information from the forest products companies at all. That was precisely the reason they could not tell me the value of the wood that was under some sort of threat from infestation by the spruce budworm. It was their limits and they could not tell us.

There was no estimate from the ministry staff that there was an imminent threat from the spruce budworm in those stands of timber. There was no information available. It was a generalized point of view that perhaps it was time we should spray for spruce budworm. I do not operate on that basis. Maybe the member does, but I do not.

#### VIDEO CENSORSHIP

**Mr. Allen:** Mr. Speaker, I have a question for the Attorney General in regard to the recent unprecedented raid and seizure of video film and projection equipment at A Space gallery.

The recent judgement of the Divisional Court on clause 3(2)(a) of the Theatres Act declared

that the censorship powers under the act were an affront to the Canadian Charter of Rights and Freedoms, that censorship of films under that act "may be said to be of no force or effect." Subsequently, the Court of Appeal went even further in its judgement.

When there is no legal foundation for it, why is the theatres branch still requiring arts institutions to fill out examination-by-documentation forms to secure permission for video art exhibitions at such places as A Space? What possible legal ground is there for that requirement?

**Hon. Mr. McMurtry:** Mr. Speaker, part of that question might be asked of the minister responsible for the legislation. I think the member has given the decision of the Court of Appeal a little different interpretation from the interpretation I would choose to make.

The Court of Appeal indicated that there may well be a place for film censorship. It appeared to accept the concept of film censorship as something that can be demonstrably justified in a free and democratic society. Its principal concern was in relation to the lack of statutory criteria as opposed to criteria that had been set out as far as the administrative guides that govern the activities of the Ontario Board of Censors are concerned.

I think it is important to note—the honourable member has perhaps forgotten—that the Supreme Court of Canada in effect suspended the decision as far as the activities of the board were concerned until it reached a decision with respect to this important constitutional matter.

In other words, they gave a stay of judgement as far as the Court of Appeal judgement is concerned. I think it is quite inaccurate for the member to suggest that the people who are responsible for administration of the board are in any way flouting the law of this country.

**Mr. Allen:** The Supreme Court may have provided a stay of judgement with respect to the theatres branch and the board. At the same time does it not in the same breath in effect suggest to the minister that there should be a stay of judgement with respect to the sensitive areas of application of the theatres branch's activities in the censor board, which makes it all the more puzzling why that action was taken with respect to A Space?

Given the critical importance, which I know the Attorney General shares, of the freedom of the arts in our society for all our freedoms of expression, and given that recent judgement of the Theatres Act, will the Attorney General undertake to secure clear exemptions for the



showing of video and film art by public education institutions, public libraries, public art galleries and organizations receiving operational funding from the Ontario Arts Council whose purposes are clearly nonprofit, educational and cultural in nature?

**Hon. Mr. McMurtry:** That is a question that should be directed to the minister responsible for the administration of the legislation. I have read some of the minister's comments made in public and personally and I know he is very much concerned with the issue as it may affect art galleries as opposed to theatres in general. I think this is an issue about which the minister himself is likely to have more to say in the relatively near future.

### GASOLINE PRICES

**Hon. Mr. Andrewes:** Mr. Speaker, some time ago I undertook to provide information in response to a question by the member for Sudbury East (Mr. Martel) on gasoline prices. In the light of your desire for expediency and precision, to that end I will table this answer with the Clerk of the House.

### WORKERS' COMPENSATION AMENDMENT ACT

**Mr. Wrye:** Mr. Speaker, I have a question for the Minister of Labour about his tabling of the amendments to the Workers' Compensation Act yesterday. I want to ask the minister to justify the shameful double standard in the treatment of surviving spouses and dependent children of workers killed on the job under the existing system and under the amendments to the act he tabled yesterday.

The minister will be aware that a 40-year-old spouse with two dependent children who is widowed one day before proclamation of the new act, with a pre-accident income of \$26,000, will receive the princely sum of \$923 a month and any Canada pension plan benefits, if they apply and they may not.

On the other hand, the same spouse of the same age and income, widowed one day after the proclamation of the new amendments, would receive a lump sum of \$40,000 plus 90 per cent of the net earnings of the accident victim or approximately, as I reckon it, \$1,600 a month.

How can the minister justify this kind of treatment of existing spouses? Surely his own changes under the new act are an indictment of the parsimonious policies of the past. Why has the minister not acted on them to give some

dignity to surviving spouses and their dependent children?

**Hon. Mr. Ramsay:** Mr. Speaker, I suggest this bill will be debated next week in the Legislature on second reading. It will go into committee this summer. I expect the committee sessions to be extremely productive. I would recommend to the honourable member that if he feels this way about that particular section, he should bring forward appropriate amendments.

**Mr. Wrye:** I feel that way and I can bring forward the appropriate amendment, but we are here in question period asking the minister to justify his policies, not in some exchange that does not really exist on second reading.

As I just pointed out, one widow with two dependent children will get less than \$1,000 a month one day before proclamation. Because the minister has realized that policy is so inadequate, he will change the policy to give that widow \$1,600 a month one day after proclamation and a \$40,000 lump sum to get things going.

When the minister brought in his ad hoc changes under Bill 99, realizing just how inadequate his policies have been for so long, rather than giving a five per cent increment for widows, widowers and dependent children, why did the minister not give them more? Why did he not finally own up to the fact that he has literally cheated dependent children and surviving spouses and come up with some decent financial payment?

**Hon. Mr. Ramsay:** I am delighted the honourable member has acknowledged that the amendments we are introducing are positive and productive. He obviously agrees.

**Mr. McClellan:** Mr. Speaker, perhaps the minister has not understood the urgency of the issue. I would like to ask the minister to go back through the debates on the annual or regular increases of the workers' compensation benefit rates and look at the remarks that have been expressed year after year in this assembly with respect to this precise issue.

The minister should look very seriously at the inadequacy of the base for benefits for widows and dependents and the failure of the government ever to adjust that base when it gives an annual percentage increase. It is a matter of very deep and bitter concern on the part of opposition members that widows and dependents have never been justly dealt with by the Workers' Compensation Board.

3:10 p.m.



**Hon. Mr. Ramsay:** Mr. Speaker, I agree that they have not been adequately dealt with and now we are trying to do so. We are trying to improve those things.

#### WESWAY INC.

**Mr. Foulds:** Mr. Speaker, I have a question for the Minister of Community and Social Services. I thank him for his letter of June 1 about Wesway Inc. in Thunder Bay.

Can the minister explain why the ministry was not able to approve and fund the full proposal of Wesway Inc. for adult respite care which would have cost somewhere around \$140,000 to \$150,000, but instead has proposed funding only a co-ordinator who, as I understand it, is going to cost about \$60,000?

Can he assure us that if his ministry and Wesway agree on the co-ordinator proposal, that co-ordinator will have the ability to make recommendations to the ministry if places cannot be found in the community and the original proposal is necessary? In other words, will the co-ordinator have research and recommendation ability for further development of the program?

**Hon. Mr. Drea:** Mr. Speaker, I do not know that will be a formal arrangement, but the honourable member has my commitment that if it appears there is not a duplication or that the accommodation and the services are not available, we will have to look at the original proposal. The fact is the original proposal was rejected because we felt it would be a duplication. If the co-ordinator finds that those services are not there, the member has my commitment that we will do what we can to make sure there are services available.

### REPORT

#### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Kells from the standing committee on social development presented the following report and moved its adoption:

Your committee begs to report the following bill with a certain amendment:

Bill 28, An Act to provide for the Implementation of the Young Offenders Act (Canada).

Motion agreed to.

Bill ordered for third reading.

### MOTIONS

#### COMMITTEE SITTING

Hon. Mr. Wells moved that the standing committee on general government be authorized to sit on the afternoon of Monday, June 18, 1984.

Motion agreed to.

### POLISH HUNGER STRIKERS

**Mr. Shymko:** Mr. Speaker, on a point of order: You may recall that on June 5 a motion was presented to the House by the member for York South (Mr. Rae), dealing with concerns expressed about the state of health and safety of Dr. Andrei Sakharov and his family.

I understand it would be difficult to repeat the same procedure. I would have loved to have presented a similar motion in the same spirit, seconded by the member for Windsor-Walker-ville (Mr. Newman), that would have indicated and asked for a similar unanimous consent, which I am sure I would have obtained from all members of the House, that the government of Ontario express at this time to the authorities of Poland, on behalf of the people of this province, its profound concern that three Ontario residents, Graznya Trzesicka, Wladyslaw Sliwa and Zygmunt Augustyniak, have had to resort to the desperate action of a hunger strike which has lasted almost three and a half weeks now, jeopardizing their lives, so that they may be reunited with their families from Poland.

The motion would have called upon the government of Poland to grant exit visas to their families as set out under its obligations under the specific provisions of the Helsinki Accord dealing with family reunification, to which Poland and Canada are signatories.

I understand it would be improper for me to present such a motion seeking unanimous consent. I hope all members in the future will perhaps find a way, such as there is in the House of Commons on matters of urgent and pressing need, to be able to present such motions. I do not want to quote the precedent of the member for York South. I should not say he got away with it, but apparently somehow no reservations were expressed, and there may have been some.

I want to remind the honourable members of this serious concern and I hope they will share these concerns with me and support the intention of these remarks.

**Mr. McClellan:** Mr. Speaker, speaking to the same point of order, I want to indicate very clearly on behalf of the New Democratic Party that we indicated to the member for High Park-Swansea (Mr. Shymko) that we were prepared to give unanimous consent to have this motion come forward. My understanding is that my colleagues in the Liberal Party also indicated they had given unanimous consent to have this motion come forward.



If there is a lack of unanimous consent to have this motion come forward, it rests with the Conservative Party benches somewhere. There is nothing in the standing orders that prevents the member for High Park-Swansea from asking for and obtaining unanimous consent to move this very important motion. I would ask that the government reconsider its action and permit the member for High Park-Swansea to move this very important motion. We will adopt it forthwith.

**Mr. Newman:** Mr. Speaker, I would like to bring to the attention of the House the fact that this is a very serious matter. There are three lives at stake here and there could be more. I think it would be incumbent upon whosoever has the responsibility to see that we get unanimous consent for this at this time and that the government of Poland know the feelings of the Ontario Legislature and of the citizens of Ontario.

**Hon. Mr. Wells:** Mr. Speaker, I would like to say a few words on this, and certainly nothing has to do with the substance of the motion, which all members of this House agree to.

We do have a set of standing orders in this House, which is adhered to by the members of this House. I sit over here as government House leader and listen to lectures from people on the other side about following the standing orders and various procedures. We spend a lot of—

**Mr. McClellan:** We give unanimous consent all the time.

**Hon. Mr. Wells:** All right. Just a minute.

We spend a lot of time in the House leaders' meeting discussing procedures for these various things. I was away last week when the member for York South brought his motion forward, but I certainly would say that while we all support the motion, it should have been discussed by the House leaders and a decision should have been made to grant unanimous consent and on a procedure to do it under the standing orders.

Basically, substantive motions should appear in Orders and Notices and be printed, which they were not. My friend the member for Oshawa (Mr. Breaugh), who is a stickler for these matters in most cases, knows there are certain procedures. A number of motions very similar to the motion we have today are waiting to be debated in private members' time. The question is what motions should be considered without debate by this House in private members' time and what motions should be debated.

All these things must be considered. I think the House should not drift into a procedure such as

Ottawa has whereby motions are moved and automatically one cabinet minister says no to the granting of unanimous consent. It has become a standard procedure, encouraged and allowed under their standing orders, which we do not have under our standing orders here and which has never been suggested or brought forward by the standing committee on procedural affairs.

All I am saying is I think we are drifting into a procedure that has nothing to do with the substance of these very worthwhile motions and I want to underline that concern at this time. Of course, I will grant unanimous consent so my friend may make this motion at this particular time.

**Mr. Nixon:** Mr. Speaker, I am very glad it has now been arranged that it is possible.

The House leader and the Speaker will know the procedural affairs committee has made a recommendation that there be statements from private members before ministerial statements during which these matters can be brought forward as a matter of course and be perfectly in order without the special arrangements that are requested by the honourable member who spoke first in this little exchange.

**3:20 p.m.**

We might very well move towards the adoption of some of those procedures that have been proposed by the standing committee on procedural affairs. I see the chairman of the committee in the back row smiling and pointing his finger in some sort of accusatory way, but we certainly hope we can have an agreement on all sides and move forward with some of these procedures. Right now I look forward to hearing from the honourable member.

**The Acting Speaker:** There is a motion on the floor. Does the member for Essex South (Mr. Mancini) want it to come or shall we proceed?

**Mr. Mancini:** Mr. Speaker, I have a point of privilege to make.

**The Acting Speaker:** A point of privilege? I have not had that for a while.

**Mr. Mancini:** Thank you, Mr. Speaker. I want to bring to the attention of the House that for some years I have been a member of the procedural affairs committee. I want the record to show that basically all members of the committee work in a very—

**The Acting Speaker:** Thank you. That is not a point of personal privilege. You are bringing out matters of the committee.

We have a motion before the House.

**Mr. Mancini:** Excuse me, Mr. Speaker, but you gave me very little time to make my point of privilege.

**The Acting Speaker:** I do not see it relating to personal privilege.

**Mr. Mancini:** If you would only allow a member to finish his comments, you might be able to decide whether it is privilege.

**The Acting Speaker:** I will let the member go a bit further; then I will respond.

**Mr. Mancini:** Thank you, Mr. Speaker. I want to say that while the members of the committee have worked in a very nonpartisan way, it is very frustrating to have the information produced by the procedural affairs committee go back to the government caucus and come to a stalemate on a more than regular basis.

We have seen today another example whereby if the government—

**The Acting Speaker:** As far as I am concerned, the member has not had his personal privilege abrogated.

Mr. Shymko moves, seconded by Mr. Newman, that the government of Ontario express to the authorities of Poland, on behalf of the people of this province, its profound concern that three Ontario residents, Graznya Trzesicka, Wladyslaw Sliwa and Zygmunt Augustyniak have had to resort to the desperate action of a hunger strike, jeopardizing their lives, so that they may be reunited with their families from Poland, and call upon the government of Poland to grant exit visas to their families as set out under its obligations under the specific provisions of the Helsinki Accord dealing with family reunification to which Poland and Canada are signatories.

**The Acting Speaker:** There is unanimous approval by the House that this motion be presented. Is it the pleasure of the House that the motion carry?

**Mr. Breaugh:** On a point of order, Mr. Speaker: I do not wish to reinforce what the government House leader said, but I think the first question is whether there is unanimous consent to proceed. Before we vote on that, I am sure both members would care to make one small correction in the motion; they mean to say “the Legislature of Ontario.”

**The Acting Speaker:** I will accept the guidance of the member for Oshawa. Do we have the unanimous consent of the House for this motion?

Motion agreed to.

**Mr. Breaugh:** Mr. Speaker, on a point of order: While we are in the cool light of day here, I

am sure we have just seen an example that the government House leader, however hasty he might have been originally in denying unanimous consent, does have a legitimate point that it would have been useful in this instance to have had this motion printed in Orders and Notices so all members could at least have seen the motion they were voting on.

Although we all understood the intent, I think the the chair may want to refer that little point of order to the procedural affairs committee and have it report back.

**The Acting Speaker:** I think that has already been covered.

## INTRODUCTION OF BILLS

### CITY OF NEPEAN ACT

Mr. Mitchell moved, seconded by Mr. MacQuarrie, first reading of Bill Pr27, An Act respecting the City of Nepean.

Motion agreed to.

### CITY OF LONDON ACT

Mr. Van Horne moved, seconded by Mr. Sweeney, first reading of Bill Pr19, An Act respecting the City of London.

Motion agreed to.

## HEALTH PROTECTION AND PROMOTION AMENDMENT ACT

Mr. Cooke moved, seconded by Mr. Mackenzie, first reading of Bill 103, An Act to amend the Health Protection and Promotion Act.

Motion agreed to.

**Mr. Cooke:** Mr. Speaker, the bill I have introduced today would make prevention of adolescent pregnancy a major responsibility of public health units throughout Ontario.

[Later]

**Hon. Mr. Timbrell:** Mr. Speaker, if I may, I would like to ask the permission of the House to revert to introduction of bills.

**The Acting Speaker:** Unanimous consent is required. Do we have unanimous consent?

Agreed.

## FARM PRODUCTS PAYMENTS AMENDMENT ACT

Hon. Mr. Timbrell moved, seconded by Hon. Mr. Sterling, first reading of Bill 104, An Act to amend the Farm Products Payments Act.

Motion agreed to.



## FARM PRODUCTS GRADES AND SALES AMENDMENT ACT

Hon. Mr. Timbrell moved, seconded by Hon. Mr. Sterling, first reading of Bill 105, An Act to amend the Farm Products Grades and Sales Act.

Motion agreed to.

**Hon. Mr. Timbrell:** Mr. Speaker, I have asked that copies of the two bills I have just introduced be delivered to the House leaders of the opposition parties in order that they can provide them as soon as possible to their agricultural critics. This legislation may then be considered in the House next week for passage before the conclusion of this session.

Once passed, the two bills will enable us to work to establish a financial protection plan for grain corn producers.

**Mr. R. F. Johnston:** Mr. Speaker, on a point of order: I wonder whether at any point we could determine if the Conservatives would like us to be home before August.

**The Acting Speaker:** That is not a point of order, but it is an interesting point.

## ORDERS OF THE DAY

### THIRD READING

The following bill was given third reading on motion:

Bill 28, An Act to provide for the Implementation of the Young Offenders Act (Canada).

## SCANDINAVIAN-CANADIAN CENTRE ACT

Mr. Williams moved second reading of Bill Pr13, An Act respecting The Scandinavian-Canadian Centre.

Motion agreed to.

Third reading also agreed to on motion.

## EMPLOYMENT STANDARDS AMENDMENT ACT

Mr. Gillies moved, on behalf of Hon. Mr. Ramsay, second reading of Bill 62, An Act to amend the Employment Standards Act.

**Mr. Nixon:** Mr. Speaker, I am sorry, there must be some small confusion here, which probably was brought to my attention originally. Were we not going to go into committee on this?

**Hon. Mr. Wells:** Mr. Speaker, my understanding is that we were going to do the other two bills standing in the name of the Minister of Labour (Mr. Ramsay) first and then go to Bill 141 after.

**Mr. Nixon:** Very good. Thank you.

3:30 p.m.

**Mr. Gillies:** Mr. Speaker, as honourable members know, Bill 62 proposes two amendments to the Employment Standards Act. The first amendment relates to the relationship between the payment of severance pay and the retention of recall rights.

As members are aware, the Employment Standards Act provides for the payment of severance pay where 50 or more employees have had their employment terminated in a period of six months or less because of the permanent discontinuance of all or part of the employer's business. This is section 40a of the act. However, this provision does not apply if the employee refuses to waive the right to be recalled for employment as indicated in clause 40a(3)(c). This latter provision has been criticized as operating harshly in certain situations.

The Employment Standards Act does not specify a period of time in which an employee must decide whether to retain the right of recall or to receive severance pay. The minister has received complaints that some employers are not allowing their employees sufficient time to make a considered decision.

Moreover, it is particularly unfair to require employees to give up their entitlement to severance pay to retain their recall rights when those recall rights might turn out to be worthless, for example, in a case where a recall does not take place.

To remedy these problems, the bill proposes to amend the act to enable an employee either to elect to be paid severance pay immediately upon the termination of employment and forfeit any right of recall or to retain the right of recall and be paid severance pay if the employee is not recalled within a year of the permanent discontinuance of the business.

Where the employee elects to retain the right of recall, the severance pay will be held in trust by the director of the employment standards branch pending the employee's election, recall or expiry of one year, whichever applies in the circumstances of the specific case.

The other amendment relates to the awarding of interest by referees appointed to determine whether a contravention of the act has occurred. Members may be aware that a referee ruled in one recent case that he had no authority to award interest to be paid on amounts found to be owing to employees under the act. In the case in question, almost a year had elapsed between the date on which the amounts owing had become



due and the date of the referee's order. A considerable amount of money was at issue.

It is clearly unfair for an employer to be able to keep the money he or she owes to the employee for a year without paying interest on it. As well, the fact that no interest is currently paid on moneys held in trust by the director of the employment standards branch pending the outcome of a review of an employment standards officer's order to pay wages can be an unfair loss to the person who is ultimately entitled to receive these moneys, that is, the employer or the employee, as the case may be.

To rectify these problems, it is proposed in the case of an application for review of an order of an employment standards officer by an employer under section 50 that the wages currently paid to the director in trust be paid into an interest-bearing account for distribution with the accumulated interest to the party who is found by the referee to be entitled to them.

Where the director appoints a referee to hear a case following an officer's report that the employer may have failed to comply with or is attempting to circumvent the act under section 51, the amendment authorizes the referee to award interest on amounts found to be owing to employees.

Such interest is to be calculated in the same manner as prejudgement interest in the Supreme Court. Thus, under the provisions of the present Judicature Act, a person is entitled to interest on a claim for money owing from the date of the first default on wage payments or, in the case of termination pay, from seven days after the termination of employment.

The rate of interest is the prime rate for the month preceding the month the action arose as established by the Bank of Canada, and the adjudicator has the discretion to disallow the payment of interest, vary the rate of interest or vary the period for which it is calculated.

Under the proposed Courts of Justice Act, which has received third reading and which will come into effect in January 1985, the scheme for awarding interest is generally simpler than at present. A person is entitled to interest on a claim for money owing from the date the cause of action arose.

The rate of interest is the bank rate in effect at the beginning of the last month of the quarter preceding the quarter in which the claim was filed. For example, if a claim is filed in May, in the second quarter of the year, the relevant interest rate is the one applicable on March 1.

The scheme can be overridden by the adjudicator as the justice of the circumstances requires.

These amendments address two issues that have been a concern to members in the House in recent months, and I trust they may be enacted to the benefit of working people in the province without undue delay.

**The Acting Speaker (Mr. Robinson):** The member for Essex South.

**Mr. Mancini:** I was just discussing a labour matter with my colleague the Labour critic for the New Democratic Party, Mr. Speaker. I apologize for the five-second delay.

I see our previous Speaker has left the chair. I guess after having done a day's work, he feels free to leave.

**Mr. Treleaven:** Oh, come on, Remo.

**Mr. Mancini:** Well, the previous Speaker should attend a few meetings of the standing committee on procedural affairs and he might realize what he is doing.

**The Acting Speaker:** Order. I ask the member to address the bill at hand.

**Mr. Mancini:** Bill 62 addresses a very important issue and affects a great number of people in view of the fact that we have suffered a tremendous economic downturn in Ontario over these past three years, during which there were a great number of plant closures and the significant production of certain plants was no longer needed and therefore large numbers of workers were put out of work.

As the workers were going through this tremendous dislocation, they found themselves at a disadvantage in many areas; not only had they lost their jobs, but also their severance pay and recall rights were not quite placed in law the way they should be. The parliamentary assistant tells us the workers will have six months to decide whether to accept the severance pay or the recall rights. Then, it is my understanding, this is valid for one year. If I am in error, possibly the parliamentary assistant will correct me, but I do not believe I am. Whether the employee returns to work is a different matter altogether.

The matter of recall is all fine and well for many of the unionized plants, because they have a system of recall. Where there is a union that has been able to negotiate a contract, workers are recalled to their jobs, usually on a seniority basis, if they are lucky enough to have the plant reopened or if the production increases and the workers are called back.

I do not think we are doing enough for the unorganized workers. I am quite concerned that



we did not give them a little more latitude as far as recall rights are concerned. Life is very busy; when a person loses his or her job, the first thing that comes to mind is not so much whether he or she is going to be recalled. When they see the plant gate shut and the sign "Closed" on the gate, I would assume most workers would feel it was time to look for another job.

**3:40 p.m.**

While they are going through this traumatic transition, especially employees who have given a good number of years of service to a particular employer, employees who have not been able to improve their skills because they have been doing one particular job for a good number of years, employees who have been out of the educational system for a long time, employees who are unable to move to different parts of the province for economic and/or social reasons—I just do not think we gave enough thought to those employees and workers.

While the section in the bill that would allow the accrued interest to be paid to employees when they have decided to take their severance pay—as we know, eight, nine or 10 per cent interest on several thousand dollars starts to add up after a while, and there is no good reason why the employee should have to lose this interest—is one we support without any reservation, I am surprised, and I think this should be on the record, that we need to include it in the bill.

I am surprised that the Ontario Labour Relations Board or the arbitrators who hear these cases—I should say some of them; I am not sure if they all have this opinion—claim they do not have the authority to have the interest transferred to the worker.

I find that somewhat strange, because if one has \$100, \$500 or \$1,000 and gives it to an institution, an employer or a corporation to hold in trust, one would automatically think any advantages accruing to the money being held or used by the employer or corporation would come back to the laid-off employee once it was decided that severance pay would be taken in lieu of recall rights. So I am somewhat surprised that we have to be so specific in our law, especially to people working within the labour movement on such a regular basis. The explanation of why we had to include this in Bill 62 did catch me off guard and I was somewhat surprised.

I am very disappointed there is nothing in this bill, no statements coming from the parliamentary assistant or from the minister, about pensions. Laid-off employees who in many cases have paid into a pension plan for many years are certainly

hurt when their jobs are gone, when their pensions are uncollectable and in some cases lost and when their pensions are actuarially reduced to a level that makes it almost seem as if we are trying to punish the unfortunate employee who loses his or her job.

I was very disappointed to see nothing in that regard is going to be done at this time. We realize this is not something we are making up; the statistics are there—they have been there for the last three or four years—showing that the industrial heartland of Ontario, the manufacturing areas of Ontario and in some cases the mining areas, have suffered a tremendous downturn and automation has come in and has eliminated jobs. Our first priority should be the pensions of those people who have lost their jobs after giving a good number of years of service.

I cannot understand why we are not dealing with this vital and important question. It bothers me no end, and I am sure you will want to hear this, Mr. Speaker, because I know you are concerned about industrial layoffs, that we have the Treasurer (Mr. Grossman) making all kinds of suggestions and public statements about what the government of Canada should do, about what should be done in Ottawa to improve and protect pensions, yet this government has a tremendous opportunity to improve and to protect the rights of individuals who have lost their jobs and it does absolutely nothing about it.

That seems like cynical politics to me. It is the same style of politics I have witnessed from this government since the first day I was elected on September 18, 1975. If there is a headline to be won, attention to be sought, or criticism or suggestions to be directed to Ottawa, these people are the first in line. They jump out in front of the parade and they are first in line under those circumstances, but when they are able to use their own authority under law to make changes that are necessary, without the interference or acquiescence of another government, we see a very slow pace indeed, slower than a snail's pace.

I understand the parliamentary assistant wants to make a name for himself. Of late, he has been carrying a great number of bills for the Minister of Labour. I am not sure whether that tells us anything or not. Are they preparing the member for the cabinet? Are they giving him experience for that, or do they just have faith in him? What is going on here?

**The Acting Speaker:** Please address your comments to the bill.

**Mr. Edighoffer:** Maybe the Minister of Labour does not want to take time.



**Mr. Mancini:** Exactly. I was just coming to that. Is it that the Minister of Labour does not want to take the time to be here to speak with his counterparts, the member for Hamilton East (Mr. Mackenzie), the critic for the New Democratic Party, and myself?

We are charged with responsibility to criticize the Minister of Labour. We do not mind at all if the parliamentary assistant receives experience or if the minister is busy on occasion, but it is starting to become a habit with the minister. We want to question the man in the front line, the man who, along with his cabinet colleagues, decides what the law is going to be, not the poor parliamentary assistant who is given a speech to read. It is very unfair in this parliamentary system to put all that pressure on the poor parliamentary assistant.

**Mr. Nixon:** We can see it telling on him, too.

**Mr. Mancini:** Yes. He looks much older than he did three years ago.

We will have more comments when we go to committee of the whole House. At this point, I just wanted to touch briefly on some of the sections and on some concerns I have. I am looking forward to further debate on this bill.

**Mr. Mackenzie:** Mr. Speaker, I rise with mixed feelings about Bill 62. I think I raised in correspondence with the minister the question of workers having to sign waiver forms to collect their severance pay. Unfortunately, it is now becoming a pretty standard pattern in plant closures.

I have some real reservations about the adequacy of our severance pay legislation generally. I believe the 1983 statistics for Ontario show about 210,000 workers laid off for more than 14 weeks and something like 2,046 receiving severance pay. That is about one per cent. I also note that of 1,464 employees terminated in complete closures of insolvent companies, none received severance pay. I really wonder what protection we have there for workers in any event.

**3:50 p.m.**

I guess I have a fundamental disagreement with the first section of this bill. That is the idea that a worker should have to sign a waiver form to collect severance pay when it appears to be a permanent total or partial closure. That waiver can negate something the worker has negotiated in his collective agreement. Usually a collective agreement has the right to go beyond whatever the minimum requirements are in law. That is something I think we have stuck to fairly closely.

I am not impressed by arguments that it should be the right of a company or there should not be a comeback if there is a complete closure.

If a decision is made that they have to cut back X number of employees on a permanent or partial basis and the requirement is there for the severance pay, that is a decision the company has made.

**Mr. Mancini:** On a point of privilege, Mr. Speaker: I do not believe I see a quorum.

**The Acting Speaker:** The member for Essex South suggests the lack of a quorum.

Mr. Speaker ordered the bells to be rung.

**3:55 p.m.**

**The Acting Speaker:** A quorum is present.

**Mr. Mackenzie:** Mr. Speaker, as I was saying, it is with some reluctance and after a rather serious searching of reasons that I find myself contemplating supporting this bill at all, even though I may have had something to do with prompting the minister to bring it in. In my opinion, the fundamental objection is that at no time should workers have to waive their right to recall. Usually in legislation, the law is the minimum and what one can negotiate over and above that in a contract is what carries some weight.

The employment standards have always recognized the rights of workers to enjoy greater benefits provided by their collective agreement. An employment standard, as I say, is a minimum. Yet, here we are taking away one of the rather fundamental rights of a worker and that is the right to recall if he signs the waiver to collect his severance pay. I think it denies a fundamental right to recall rights in collective agreements and it could be crucial to workers who may eventually want to get hired or recalled by a successor employer.

This could very much interfere with successor rights in the Labour Relations Act. If the first employer sells the business and the successor employer starts it up again, the former employees may not be able to get their jobs back if they have elected to receive severance pay, thereby abandoning their rights to recall. Also, it could be used as a device to circumvent the collective agreement. It would allow successor employers to hire the young and discard the old without the obligation to the older workers that would otherwise have been there.

It seems to me we would not lose a heck of a lot and we might for once have given an advantage to workers if we had allowed them to collect the severance pay where the company felt it was a



permanent or partial closure of X number of weeks that was going to allow them to qualify, and still have given them recall rights if by some lucky chance the company was able to turn its affairs around. Otherwise, if we did have a successor company, those employees, who could have an awful lot of years of service, would have no right to recall if by chance things did improve.

It seems to me it would be a very small weighting in favour of workers who have given a lot of service to a company. I find nothing this government does goes much beyond the minimum requirements and certainly does not load any of the legislation in the labour field in favour of workers. Employees suffer dislocation, reduced income, uncertainty; and even if the employees are recalled, especially since they are entitled only to severance pay if there is the intention that there be a permanent discontinuance of all or part of the business, they will thereby not be expecting to be recalled and will be looking for other jobs. Why should the employer not absorb the cost?

I think the minister and the parliamentary assistant might take a look at the SKF studies for costs which are absorbed by employees after they have been terminated. It applies in more than just the SKF case. The workers are paying constantly in the case of a plant closure where their jobs are gone. There is no problem of potential double payment, even if the employee is recalled, due to subsection 40a(6) of the act, which says, "A year of employment for which an employee has been paid severance pay shall be excluded in any subsequent calculation of severance pay for that employee."

That is certainly not a problem.

In the old act, what was happening, of course, was that companies were realizing that if an employer did not require the employee to waive recall rights, the employee could both keep the recall rights and receive the severance pay if the thought was that the closure was for the proper period of time. Now the onus has changed. If an employee accepts severance pay, he will probably be deemed to have abandoned the right to be recalled.

We also wonder about no requirement for the election. Does the employer have to inform the employee he abandons recall rights if he accepts severance pay? We would think that would be the case, but we are not sure in reading the legislation.

**4 p.m.**

One effect of the regulation may be to disentitle from collecting later an employee who does not elect to receive severance pay. If the worker is laid off for more than 13 weeks, section 15 of the regulations may kick in to break into his period of employment. Outboard Marine is an example there. Nothing I have read since, including some of the defences or explanations of this legislation, gives us an answer to what happened in the case of Outboard Marine.

We also have reservations about the interest provisions. We think it is probably not retroactive to cover cases at present before referees but not yet decided. In nonreferee cases, there is no right to interest; this has not changed. That means an employment standards officer who under section 47 arranges to have an employer pay wages or who issues an order against the employer to pay wages still cannot add interest. If the employer simply refuses to pay and the branch takes him to court, it is unlikely under section 59 that the judge of the provincial court has the jurisdiction to add interest to the unpaid wages.

Unlike the Labour Relations Act, there is no provision in the Employment Standards Act in referee cases to allow for the filing of the referee's decision with the Supreme Court for enforcement as a judgement of the Supreme Court. Under the Employment Standards Act, an employer can apply for a review by a referee or refuse to pay and force the branch to prosecute. Until now it has been cheaper to choose the referee route because the referee would not award interest but a court prosecution could result in a 10 per cent penalty payable to the director.

With a fine and an order for unpaid wages, the court order is enforceable. Bill 62 provides for prejudgement interest if a referee awards interest. If he does not provide for post-judgement interest from the date of the award to the date of payment, although this is what a regular court case would require, it is not automatic as it would be with a regular court proceeding. It is not retroactive to affect complaints already filed but not decided.

When one takes a look at it, the only reason for supporting the legislation is that some of the coverage and protection we have now is so bad that this may be a tiny improvement, because where an employee does not elect to take severance pay, the money is deposited. Even though we have some very grave reservations about the extent of coverage under the interest



provisions, the employee has the right to have it placed in trust and collect some interest on it.

Considering the number of plant closures we have had, that could conceivably mean the worker may have his money protected, where, if he did not have this right and the company a few weeks down the road were to go belly up, he would find the money was not there for his severance pay, which he thought he was going to collect at some time.

It is a very small, almost niggardly, advance we have in the bill before us. On the basis of that very small advance, we will probably support this legislation. I am not very happy with it. My strongest objection is that with this bill the government is in effect negating collective agreements or sections negotiated in collective agreements with respect to workers' rights to recall.

**Mr. Mancini:** Mr. Speaker, if it is okay with everybody else, I just wanted to get one thing clear—

**The Acting Speaker:** I am sorry, the honourable member has spoken on this and cannot speak again.

**Mr. Mancini:** That is why I asked if it was okay with everybody else.

**Mr. Gillies:** Mr. Speaker, in replying to the honourable members, I should first thank both of them and their parties for supporting the bill. Despite the reservations that have been expressed, I do believe what we are doing in Bill 62 will be of some considerable advantage to working people in Ontario.

On some of the specific questions that were raised by the critics, first in reply to my friend the member for Essex South, I assume when he refers to the six-month period plus 12 months—I thought this was what he was going to clarify—the six-month period is the period during which the employment standards branch considers all layoffs.

**Mr. Mancini:** Well, the Speaker had me so upset.

**Mr. Gillies:** That is quite understandable. This is the period during which the ministry monitors to ensure that the employer does not intend to circumvent the intentions of our severance pay law by scattering layoffs of under 50 people throughout a given period of time.

I just want to clarify that in our bill we are creating a new 12-month period, quite apart from any other considerations in the existing bill, and the new 12-month period is the period of time the employee has to consider whether or not to

accept the recall rights and the severance pay provisions.

The member for Essex South expressed some reservations about the coverage of the bill and about the failure of this bill to make any mention of pensions. I would just make a couple of points in that regard.

First of all, the Employment Standards Act really makes only one reference that I am aware of to the question of pensions, and that is the prohibition in the act against differentiation in employer-employee pension plans on the basis of sex, age, marital status and so on. That is really the only reference in this particular legislation to pensions. Otherwise, the primary pension legislation in the province is the Pension Benefits Act under the Ministry of Consumer and Commercial Relations, which speaks to the question of the windup of pension plans when an employer goes out of business and so on. While I have no quarrel with my friend's comments on this, I might point out that there is a limited amount we can do with this legislation in that area.

Some very good points were made by both members about various aspects of the Employment Standards Act. All I would say is that this is very specific legislation to deal with two very specific problems. I do not think any piece of legislation by the government is revised and amended more frequently than the Employment Standards Act. In fact, in just about a six-month period this is the third amendment to this act I have brought before the House on behalf of the minister. Members can rest assured that many of their concerns are constantly being reviewed by the ministry. In the normal course of events, it will probably not be that long before some of them may be addressed again in this forum as the act is continually revised.

The member for Hamilton East in support of the bill, spoke somewhat reluctantly, I guess, but we still do appreciate that. The gist of what I was getting from the honourable member's remarks was his feeling that the employee really should not have to waive his recall rights in order to qualify for severance pay. In other words, the employee should have the right to both of those benefits as opposed to having to elect either.

I suppose an argument could be made in this direction, but we feel, at least with this legislation, the employee has a reasonable amount of time to decide what he wants to do. I might add, apropos of the collective agreement, that at least there is also a reasonable amount of time now during which the employee can consult with his or her union representatives and have the



benefit of their advice on how to proceed in the case of a layoff.

The statistics on severance pay that the member cited apply to a one-year period. I can inform the House that in the first three years during which the severance pay legislation we have in place has been in effect—I am talking about the period from January 1, 1981, to December 31, 1983—a total of 172 cases of complete and partial closures occurred where severance pay was required to be paid to the affected employees.

To date, I understand information has been received by the ministry on 147 of these cases. We find that 8,009 employees have received some form of severance pay totalling in excess of \$42 million from about 100 employers.

**4:10 p.m.**

I would have to agree with one point the member for Hamilton East made, that none of that, I believe—now let me just check; maybe a very small amount, but almost none of that—has been collected from companies where there has been a complete shutdown and insolvency on the part of the company. Obviously, the bulk of the money that has been collected is in the case of a partial shutdown or extended layoff.

The honourable member raised the case of the Outboard Marine Corp. We are very much aware of the situation in that particular closure. I understand a hearing was set up in the case of Outboard Marine and the preliminary discussions were held before the referee, but to this point the union has not proceeded with the hearing. With the information I have before me now, the story may not be over. It may not be complete in the case of Outboard Marine.

With respect to the other point the member raised, the question of retroactivity, I guess the application of this act to disputes that have already been adjudicated or are being adjudicated is a very difficult one when we contemplate legislation. I really think the minister wrestles with this question of retroactivity. Again in that context, I would remind members that we have not been successful in the past in collecting in the case of a complete shutdown where there is an insolvency. Many of the cases that have been adjudicated in the past probably would not be helped by this legislation.

The only other point I would like to make is in reply to the member for Essex South, if I can just go back for a moment. I do not want to sound at all defensive or protective of our ministry, but I do think I want to say on the record that very few ministers or very few members of the House,

generally, work as hard and as diligently as does the Minister of Labour. It has been quite an experience for me to work with him. I guess I might say the minister is a bit of a workaholic.

There are many mornings when he starts the meeting in his office at about seven and there are many nights when he is not gone until well into the evening. I certainly do not think the fact I am carrying most of the legislation for our ministry now indicates any lack of concern or commitment on the part of the minister to his duties. It is quite the reverse. Frankly, I think he is so busy on his day-to-day work trying to keep the province working that he has entrusted me with a lot of this legislative duty, which I am just too pleased to do for him.

In conclusion, I thank the honourable members for their support for the bill and I look forward to any discussion they might want to have in the committee stage.

Motion agreed to.

Bill ordered for third reading.

#### ROYAL ASSENT

**The Acting Speaker:** I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to certain bills in his chambers.

**Clerk of the House:** The following are the titles of the bills to which His Honour has assented:

Bill 28, An Act to provide for the Implementation of the Young Offenders Act (Canada);

Bill 41, An Act to amend the Public Commercial Vehicles Act;

Bill 45, An Act to amend the Highway Traffic Act;

Bill 54, An Act to amend the Public Service Superannuation Act;

Bill 59, An Act to amend the Ontario Unconditional Grants Act;

Bill 65, an Act respecting a Convention between Canada and the United Kingdom of Great Britain and Northern Ireland providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters;

Bill 67, An Act to amend the Milk Act;

Bill 68, An Act respecting the Marketing of Grain Corn;

Bill 69, An Act to amend the Live Stock and Live Stock Products Act;

Bill 71, An Act to amend the Assessment Act;



Bill 72, An Act to amend the Corporations Tax Act;

Bill 73, An Act to amend the Small Business Development Corporation Act;

Bill Pr13, An Act respecting The Scandinavian-Canadian Centre.

#### LABOUR RELATIONS AMENDMENT ACT

Mr. Gillies moved, on behalf of Hon. Mr. Ramsay, second reading of Bill 75, An Act to amend the Labour Relations Act.

**Mr. Gillies:** Mr. Speaker, on Thursday, May 17, the Minister of Labour introduced a series of amendments to the Labour Relations Act. At that time, he indicated he would elaborate upon these amendments during the debate on second reading. The bill relates to the construction industry provisions of the Labour Relations Act and, in particular, to the provincial bargaining sections of that act.

Members will recall that the province-wide bargaining system in the industrial, commercial and institutional sector of the construction industry was established by amendment to the Labour Relations Act in 1977. In essence, the relevant sections of the act provide a system of central bargaining by trade between designated employer and employee bargaining agencies. Provincial agreements operate for a statutory term of two years, the most recent expiry date occurring on April 30 this year.

Generally speaking, we believe the interests of contractors, building trade unions, tradesmen and the clients of the construction industry have been well served by the provincial bargaining system. Centralization has contributed to greater stability in construction industry bargaining. No longer is one region of the province set off against another in the wage determination process.

We are particularly encouraged by the developments in this year's provincial bargaining. Settlements were reached in a number of trades last December, some five months in advance of the termination of the respective provincial agreements. These trades included the carpenters, labourers, ironworkers, cement masons, bricklayers and operating engineers. More recently, agreements were concluded in the plumbing and electrical trades. These settlements have demonstrated sensitivity to the difficult economic conditions in the industry and in every case were reached without resort to a work stoppage.

One cannot but contrast this enviable record with the prevalent unrest in the construction

industry in some other jurisdictions. We are hopeful the trend will continue in the minority of trades that have yet to renew their provincial agreements.

While most industry representatives would agree that the system is basically sound, minor refinements have been made from time to time in response to problems that have been revealed by the actual practice of provincial bargaining. I am referring to amendments that were made in 1979 and 1980 related to recognition, certification and ratification procedures in the industrial, commercial and institutional sector.

Several building trade unions and associations representing contractors have written to the minister in the past year urging further improvements to the provincial bargaining system. We have discussed the various proposals with the interested organizations, and have had the benefit of advice from the Construction Industry Advisory Board. The package of amendments addresses the recurring themes that have emerged in the representations the minister has received.

I will speak to the main features of the bill in the order in which they appear. The proposed amendment to subsection 44(11) of the act will enable any party, employer, trade union or employee affected by the decision of an arbitrator to seek the immediate enforcement of the award as an order of the Supreme Court. At present, 14 days must elapse before an arbitration decision can be filed with the registrar of the court.

In recognition of the transient nature of employment relationships in the construction industry, the act now provides for the expedited arbitration of construction industry grievances before the Ontario Labour Relations Board. Several building trade unions have submitted that success before the board may be meaningless if the contractor has departed the site before the award can be effectively enforced. The amendment will afford immediate access to the court in respect of all arbitration decisions, whether originating from the construction industry or from another sector.

The second amendment relates to the authority of the Ontario Labour Relations Board to declare a strike unlawful and to issue appropriate remedial directions. The changes are intended to clarify rather than to expand the board's powers to relieve against unlawful work stoppages. In particular, the amendment is intended to clarify the board's authority to deal with the practice of selective picketing in ICI provincial work stoppages.



**Mr. McClellan:** Is he reading unnecessarily from a document?

**Mr. Gillies:** It is the budget.

Selective picketing is a tactic whereby a building trade union involved in a provincial strike may target one particular project, establish a picket line and cause other tradesmen not involved in the dispute to stop work. Such an incident occurred in the Sarnia area during the 1982 strike by the plumbers and pipefitters. In a proceeding brought by the Sarnia Construction Association, the Ontario Labour Relations Board found that picketing activity of this nature violated the Labour Relations Act.

The board ordered that one entrance to the project be designated for employees of the contractor involved in the dispute and that the striking trade confine itself to picketing at that entrance. The restriction was subject to the condition that work within the jurisdiction of the striking trade union was not being performed by any other contractor or trade.

**4:20 p.m.**

It is my understanding that the board's order is consistent with the policy of the Provincial Building and Construction Trades Council of Ontario in respect to picketing during a provincial strike. The amendment will simply clarify the board's authority to make orders of the kind made during the Sarnia Construction Association case.

Provincial bargaining in the ICI sector contemplates that one provincial agreement will be negotiated for each trade. Employer organizations have complained that some contractors represented by central bargaining agencies have negotiated their own private and unlawful arrangements beyond the scope of the provincial agreement.

The problem became particularly acute during the lengthy 1982 plumbers' strike when several individual contractors concluded agreements with local trade unions and continued to work during the provincial strike. The proposed amendments will enable the board to deal expeditiously with complaints related to such unlawful arrangements and will permit the immediate enforcement of board orders in the Supreme Court of Ontario.

The final, and I think most innovative, feature of the bill relates to entitlement of tradesmen and contractors to participate in ICI votes. The proposed section 149a will regulate voting in the following manner. The right to participate in ICI strike and ratification votes will be restricted to employees actually working in the ICI sector and

not those otherwise employed. A corresponding restriction will be imposed on construction industry employers by limiting entitlement to contractors employing persons in ICI construction work.

Central employer and employee bargaining agencies will be required to certify their compliance with the voting regulations. The minister will be given discretionary authority to refer to the Ontario Labour Relations Board any complaint of a contravention that has materially affected the outcome of a vote. The OLRB will be empowered to grant the appropriate prospective relief where it finds that a contravention has occurred and the result of the vote has been materially affected.

This package of amendments is a further illustration of our commitment to provide a bargaining structure that accommodates the unique characteristics of labour-management relations in the construction industry. Each of the proposed changes responds to concerns expressed either by the building trade unions or by construction industry employers. The refinements or improvements will, in our opinion, strengthen the province-wide bargaining system.

**Mr. Mancini:** Mr. Speaker, Bill 75 was put forward to clarify certain matters for the Ontario Labour Relations Board, and in some instances we have no disagreement with the clarification the ministry wants made. I want to move directly to subsection 149a(5) and say to the parliamentary assistant that I am not very happy with that subsection. I see a considerable difficulty, and frankly I am not sure why it is needed.

When one examines the construction industry, one concludes that it is an extremely mobile industry. Workers may work in the ICI sector for a short time and then go on and work in the power sector. This may happen within a period of six months, four months, one month and in some cases even less, depending on the amount of work that is available. Thus, we have carpenters, electricians or other tradesmen who may be working in the power sector knowing full well the job will be expiring soon and who hope to obtain work in the ICI sector or who may already have work lined up in the ICI sector.

This legislation would prevent them from voting on a contract that is going to affect them materially in the very near future. If we have provincial bargaining, let us have provincial bargaining. I cannot say I am in support of that section.

I have not heard anything put forward by the parliamentary assistant that would convince me



we need to impose this restriction on employees as to whether they wish to accept proposed collective agreements. I will certainly listen to any positive suggestion the parliamentary assistant has to make, but up to this point it seems we are unnecessarily intervening in the collective bargaining process and in some cases almost immediately affecting what a worker would make or do as a result of an agreement. I cannot say it any more clearly than that.

It appeared that this year would be a nonstrike year in the construction industry. Unfortunately, that has not been the case. We have a strike in the power sector by the International Brotherhood of Electrical Workers against Ontario Hydro. I am quite concerned. That strike has gone on for several weeks, and on no single occasion has the Minister of Labour (Mr. Ramsay), the Minister of Energy (Mr. Andrewes) or either of their parliamentary assistants stood up of their own free will and informed the House about the progress of the strike. They have answered some questions put to them, but they have on no occasion tried to clarify the situation for the members of the House, although this is a very important issue.

Part of Bill 75 will have a direct impact on this strike. We all know that. I am very disappointed, not only that the strike has taken place but also that we have not been able to obtain from the senior, well-paid officials of the government an explanation or at least—

**Mr. Nixon:** Senior, overpaid officials.

**Mr. Mancini:** Senior, overpaid officials. We have not been able to obtain at least an update as to what is going on.

The parliamentary assistant talks about clarifying the position of the board so that unlawful picket lines will not be put up. He was kind enough to place on the record that it is also the position of the trade unions. They do not want to put up picket lines that will prevent other skilled tradesmen from going to work. They have adhered to that.

After a certain period of time, whether or not the picket lines are there, the work will stop because sooner or later someone—by “someone,” I am specifically referring to supervisors—will be unable to do the work of the striking tradesmen and work will halt throughout the project. I can see that happening in the power sector.

**4:30 p.m.**

It is very unfortunate, especially when one considers that Ontario Hydro has already given its engineers a five per cent increase in wages; exactly the same rate of increase the electricians

are asking for. It surprises me that a crown corporation would be willing to give a particular sector of its work force a five per cent increase but would be unwilling to grant a similar increase to another group of workers. I thought that should be put on the record, because we hear so little from the government on this very important matter.

In this bill we have not taken any bold steps in helping make labour relations more amicable in the construction industry. Again I say that section 149a is an interference in the collective bargaining process and will probably cause more problems than it solves.

**Mr. Mackenzie:** Mr. Speaker, the parliamentary assistant did not need his detailed introduction. The crux of this legislation is that there is no opposition from either side that I know of—I am talking about contractors or workers—on section 1. Indeed, for some time it has been part of the briefs submitted by the building trades.

As far as I know, there is also support from all parties for section 2, subsection 3(1), subsection 3(2) and section 4. The disagreement is on section 5. I do not know why the ministry has it there. I am not impressed with anything I have heard in the way of argument.

What the minister should understand, although it does not seem to mean an awful lot, is that most of the construction unions have their voting procedures set out in their constitutions and would just as soon leave it that way. There are problems occasionally, but if the government is going to interfere with who can vote and how, then the question I am asked by those in the construction field is, “Are they going to let us vote on any and all agreements that affect us?”

Is that the intent of the legislation of this ministry? Will they be able to vote on the general presidents’ maintenance agreement, for example, or the national maintenance agreement or the electric power sector agreements, which are often signed only by the international? Is the government going to allow them to vote on any and all contracts that affect them? I think that is a legitimate question.

If the minister is not going to do that, why is he interfering in the procedures they have set out and the requirements they have in their own constitutions in terms of voting on contract provisions? I cannot understand that at all. While I have no difficulty with the first four sections, I do have difficulty with section 5.

**Mr. Gillies:** Mr. Speaker, I thank both critics for their support of the bill. I appreciate the concern about section 149a and I will attempt to



provide some clarification of our intent in that regard.

I am sure members are aware that a contract dispute can become distorted when some members working on various types of projects or with various types of employers are insulated from the economic effects of the dispute.

To hark back, when I talk about the Hydro dispute, I am not talking about the current one but rather about the 1982 plumbers' strike. There was a very strong feeling among some of the contractors, and indeed among some of the employees, that the strike was prolonged because of the negative votes of the tradesmen who continued to work for Ontario Hydro while their brother workers on more transient, short-term projects were not working. That is the type of problem we are trying to get at.

In reply to the member for Hamilton East (Mr. Mackenzie), I want to assure him that this legislation pertains only to ICI votes and not to other votes in unrelated parts of the construction industry. I hope that takes care of his concern in that area, at least partially. We are not in any way trying to abrogate the rights of workers to vote on disputes that are of direct concern to them and indirectly to their families.

We appreciate the unqualified support on the first four sections of the bill. I hope I have addressed some of the concerns about section 5. If there are detailed clause-by-clause concerns, I guess we will go into committee, but that is my reply at this point.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

#### LABOUR RELATIONS AMENDMENT ACT

Consideration of Bill 75, An Act to amend the Labour Relations Act.

Sections 1 to 4, inclusive, agreed to.

4:40 p.m.

On section 5:

**Mr. Mancini:** Mr. Chairman, I want to flush out the parliamentary assistant a little more on this section, if I can. We are intervening in the collective bargaining process. I am not aware of any past circumstances that would require the passing of this section. I am not aware of ever having been told by or written to by the Minister of Labour (Mr. Ramsay), I cannot recall reading anything in the print media, and I cannot recall seeing anything on television news reports as to disruptions, dislocations or problems caused by

workers participating in these votes, as they have been doing. I am really perplexed as to why we need section 149a.

I would like to have a short summary by the parliamentary assistant of some of the representations made to the ministry by both the employers and the employees so that I can get a better grasp of this and, if it is at all possible, perhaps he can bring to the attention of the House one or two particular circumstances that have caused enough problems to warrant the introduction of section 149a.

**Mr. Gillies:** Mr. Chairman, I think the clearest example we can put forward that created considerable concern is the plumbers strike in 1982 in the Sarnia area. There was a feeling among many people involved in that strike that collective bargaining in the industrial, commercial and institutional sector becomes distorted when some of the employees not directly affected are insulated economically from the effects of the dispute itself.

There tends to be a more durable relationship because, as we all know, Lord knows we hear enough about it in this House, Ontario Hydro projects, as an example, are extremely large and they are long-term projects where a contractor is on the site for a much longer period. It is a more secure situation than that of a contractor out in the field who is erecting small commercial, industrial or residential types of construction.

The feeling is that in these votes by those who are somewhat protected from the winds prevalent at the place where the actual dispute is fulminating, these people are distorting the result of the vote. We feel it is in the best interest of all concerned that this type of legislation be brought in.

I remind the members the implications of this section of the bill are for only the ICI sector. They do not affect other parts of the construction industry. It is not our intent to abrogate the bargaining rights of people who are unrelated to this problem. I can probably come up with more specific examples, but that is the situation that was brought to the attention of the minister by a number of parties, which led to the inclusion of this section in the bill.

**Mr. Mancini:** I thank the parliamentary assistant for his answer. I have to say in all honesty it does not really appear to me to be enough of a reason to have this section. Surely, when he is going to interfere in this manner, he should have available at his fingertips all kinds of reasons, and probably a short list of problems that have been created.



He referred to one problem that took place in Sarnia back in 1982. He did not talk about any period before 1982 or after 1982. He is putting us in a bad position by asking us to support a section when he cannot convince us in any way that it is necessary or that it is important and vital to the construction industry.

I am sorry we cannot go along with the ministry on this section. Furthermore, he did not recap for me the representations made to him by the employer and employee groups.

**Mr. Mackenzie:** Inasmuch as the parliamentary assistant seems to want this right to tell the trades how they are going to vote, is he prepared to accept the other suggestion I made; that is, to guarantee that the workers on a site will have the right to vote on every contract that may affect them? That is a fair request or exchange that we get from the construction trades.

**Mr. Gillies:** I am sure this will not come as a great surprise to the honourable member, but I am afraid that is not the intent of the legislation. Much as we all, and I include myself, might have our personal preferences as to how some of these things are resolved, that is not the intent of the bill.

The intent of the bill is to regulate the bargaining and, if you will, the strikes for those who are directly affected. Frankly, we do not contemplate changing the legislation through this bill so that a dispute in one trade on one part of a project can shut down the whole project. This is very central not only to section 149a but to the whole bill, so I am afraid I have to say to my critic from the third party that no, that is not our intention.

**The Acting Chairman:** All those in favour of section 5 will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 5 agreed to.

Sections 6 and 7, inclusive, agreed to.

Bill ordered to be reported.

#### EMPLOYMENT STANDARDS AMENDMENT ACT (continued)

Resuming the adjourned consideration of Bill 141, An Act to amend the Employment Standards Act.

**Mr. Nixon:** This will not take long.

**Mr. Mackenzie:** Three or four weeks.

**The Acting Chairman (Mr. Robinson):** I will wait and see what the member for Scar-

borough West is doing before I recognize him this time. Having adjusted his tie, the member for Scarborough West.

**Mr. R. F. Johnston:** Mr. Chairman, we would not want to give the people of Ontario, who all read Hansard, the wrong impression about what I might be up to here in my seat. I was adjusting my tie.

I rise to speak on the amendment proposed by my colleague the member for Hamilton East (Mr. Mackenzie) to Bill 141. I would like to do so in the context of announcements made yesterday here in the House about the evolution of this province and its maturity and some concepts of the development of women's rights in a historical sense; and, having reviewed Hansard, because I have not been able to be here for all the debate, I would like to respond to the interaction between the parliamentary assistant and some honourable members about the meaning and importance of the provision of equal pay for work of equal value, in comparison with equal pay for equal work, in the progress of women's rights in this province.

I would like to start off with a bit of facetiousness or mischievousness, if I might. In the eulogy or whatever it was that we heard yesterday from the Premier (Mr. Davis)—whether it was a retirement notice or perhaps some pre-election gesture, or just one of those blinding flashes on the road to Damascus that take place now and then in the lives of people and even politicians—he said some things about our acceptance of religious differences whose context I would like to put into play around the whole notion of women's rights and this notion of equal pay for work of equal value.

**4:50 p.m.**

The Premier indicated yesterday that much had changed in this province, especially since 1971, with respect to religious differences and with respect to who had a right to what kind of education in Ontario. He said that essentially in the last 13 years or so the province has matured. Therefore, I presume the majority of its representatives have matured in their capacity to accommodate, without rancour and division, the notion that perhaps Catholics in our society should have the right to public schooling with their religious values in place in a way that is equal to the rest of us who are not Catholics in our public school system.

There were wonderful words involved in describing how this has evolved and how we have now made it to this wonderful point of cultural maturity and are able to stand it. Looking



across and around me at people who were not much in favour of this kind of notion some years ago, or some days ago in some instances, I must say I thought people showed that maturity was there.

There was great applause and little gritting of teeth, if I can put it that way, in certain quarters. I thought people were mature and did handle it well. It struck me that perhaps this is a great principle. There were no attacks at all from the opposition in terms of putting a historical context on this or asking for any kind of political accountability on this. We just accepted the notion of this wonderful evolution.

Today, for instance, after the Prime Minister of Canada had written to the Premier, we thought he might have been here to tell us that, my goodness, we are now mature enough to accept linguistic differences as well and that linguistic rights could now be entrenched. I thought for a second we really had come totally of age.

**Mr. Nixon:** I thought he was going to announce the extension of Spadina.

**The Acting Chairman:** Rolling right along.

**Mr. R. F. Johnston:** I would definitely be concerned that Spadina might be a symbol of maturity, but I think it does bear saying that there are other evolutions of conflict, of disagreement, of discrepancies of rights in our society we should also be looking at. In context, for instance, there is the question whether our province has the capacity, whether certain factions in our society have the capacity, to tolerate and to accept that it is time we moved to equal rights.

I would say now is the time when this province is quite capable of that. I am sure all the information we are getting from people we deal with on a day-to-day basis in our ridings and in our constituencies shows they are ready for major steps in affirmative action to bring about equality for women in our society at last. That feeling is out there and there has been an evolution of thought. Men who have held the reins of power these many centuries have begun to understand that control has jeopardized the full blossoming and development of our culture, because of the suppression of the rights of the other sex to participate, especially in employment.

When legislation is brought into this House amending and improving—no one would deny that—aspects of the rights of women in Ontario, whether it be through the section extending the notion of equal pay for equal work that we have before us, or whether it has to do with the pregnancy leave section or the recognition of

adoption leave rights of families, this is a good time to look at the context of where we are as a society and whether the kinds of things we are countenancing here are adequate for our times and are meeting our challenges.

I was here in the House the other day when the member for Riverdale (Mr. Renwick) was speaking. He was trying to put this into a larger context. He has been kind enough to lend me a copy of the March 1984 Gazette of the Law Society of Upper Canada, which I know the member for Oxford (Mr. Treleaven) reads before he goes to bed most evenings, as probably do other lawyers in the House. Up to this point I have not been privy to this kind of information, but I will be reading some of it in my remarks.

The member for Brantford (Mr. Gillies) knows it is the case that I have been preoccupied, some would even say obsessed, by questions of poverty and of the maldistribution of wealth in our society over the last number of years, and very specifically over the last five or six months, during which I have been doing a lot of touring of this province, getting to understand at first hand a lot of the discrepancies.

One theme of the parliamentary assistant has come through to me throughout that. There have been many, but there is one I would like to focus on now. In many ways poverty, and the impoverishment and lack of power involved in poverty, is very much in a majority term a women's issue.

It is structural poverty. It is established partly by attitudes that have been entrenched for generations, partly by legal structures that are in place which talk about relative kinds of rights, and partly because of structures in place in the private enterprise field, in business with regard to economic opportunity and how the reality of that is placed with respect to the development of our economy and women's role in the economy. It is very much because of structures established by this government and by our federal government, which over the years have ensured that women will have second-class status.

I do not need to tell the members of this House that if we look at the categories of people who are poor and go through the numbers, the majority are women, whether they are the single elderly or the working poor.

If we look at the minimum wage jobs and especially at unorganized workers in this province, we will see the majority of them are women. If we look at part-time workers in this province, besides those who are students who are being used for cheap labour at part-time work,



the majority are women. They are being placed in positions that leave them with less power, less ability to change their lot and guaranteed continual poverty.

What we have before us is a series of amendments to the Employment Standards Act which it is hoped will redress some of those structural problems for some of those women.

I have noted that in the parliamentary assistant's approach to this he has essentially been taking a line from Mr. Gunderson and others, and the information he has accumulated, which says an extension or elaboration of the notion of equal pay for equal work is a sufficient step to take at this time, and that the difference between what would be accomplished from an extension of that notion to what we are proposing in this amendment—that of equal pay for work of equal value—is not significant enough to concern us at this time with respect to its effect on women in society.

I suggest and argue that is just not so. It is not the case because of the status of women at the moment and the demand of women in our society to have more real affirmative action. It is not appropriate because of the symbolic downplaying of the rights of women that is involved in merely extending the notion of equal pay for equal work. In practical terms for what it could mean in terms of empowerment, it is a mistake for us not to try to go that extra mile at the moment.

In the article by Judge Rosalie Abella that was handed to me by the member for Riverdale, there are some wonderful comments about attitudes. I want to talk about this because there are times when symbolic acts and movements, large steps taken, such as the courageous step yesterday for instance, are vital in opening all sorts of extra doors that were not anticipated to be opened in society. What we are up against is an incredibly entrenched power structure, incredibly entrenched attitudes of men and to some degree of women in our society.

**5 p.m.**

The first quote I would like to give to indicate just how far we have already come and what lies back there behind our attitudes is a quotation from one with whom I believe all Conservatives at least, would have certain connections and who would pluck their heartstrings a little bit and make them raise their chins and not necessarily wipe aside a tear. I am speaking of Queen Victoria, who I know is a favourite of the member for Brantford (Mr. Gillies).

Queen Victoria wrote to a friend—again, this is from an article by—

**Mr. Wildman:** Benjamin Disraeli.

**Mr. R. F. Johnston:** No, it is a more recent Tory politician, in fact, with whom I have no doubt members are also familiar. He had a place of prominence, as I understand it, in the Conservative government before Mrs. Thatcher lowered the boom on him, St. John-Stevass. Perhaps members have heard of him.

This is from an article, a quote that I think capsulizes the problems of our attitudes towards women. She wrote: "The Queen"—she always wrote that way, by the way, at least in her letters to me—"is most anxious to enlist everyone who can speak or write to join in checking this mad, wicked folly of 'Women's Rights' with all its attendant horrors on which her poor feeble sex is bent, forgetting every sense of womanly feeling and propriety...It is a subject which makes the Queen so furious that she cannot contain herself."

**Mr. McClellan:** You mean she was not amused?

**Mr. R. F. Johnston:** I believe the following quotation was that she was not amused.

This attitude, I would suggest, has shown itself through our history in many instances. One in which I know the member for Oxford would be most interested is a case in 1914 denying women the right to be lawyers. I will read it for his edification, although I am sure he has pored over this article at great length waiting for day care calls in his riding.

Lord Justice Phillimore wrote the following as his reason for denying women access to the bar: "every woman can be married at some time in her life—

**Mr. Wildman:** Really?

**Mr. R. F. Johnston:** Yes.

—"and it would be a serious inconvenience if, in the middle of her articles, or in the middle of conducting a piece of litigation, a woman was suddenly to be disqualified by reason of marriage." Hence women should not be lawyers.

It has also been the case here in Canada. That was an English ruling, but members will be happy to know that there was a Canadian ruling as well by Mr. Justice Saint-Pierre in 1915 in which he said that it "would be nothing short of a direct infringement upon public order and a manifest violation of the law of good morals and public decency" to appoint women to be lawyers.

I would suggest that many of these attitudes have moved along in the last little while, but vestiges are still apparent.



There is a direct commentary by Judge Abella on the importance—or at least I will interpret it, if I may, to be on the importance—of moving to equal pay for work of equal value from equal pay only. She is talking about the ghettoization of women's jobs:

"There are still job ghettos, with the majority of women in clerical, teaching, service or nursing occupations. At the beginning of the century 61 per cent of all women workers were in three occupations—domestics, seamstresses or teachers. Today 71 per cent of all women workers are in four occupations—clerical, service, sales and nursing. Moreover, studies show that despite the exponential increase in the number of women in the paid labour force, a rise that between 1967 and 1977 was 70.6 per cent, and despite the existence in Canada of equal pay legislation, there continues to be a 40 per cent difference in wages between men and women."

I would suggest that she is talking about equal pay for work of equal value legislation there, perhaps in part; and I await that kind of response from the minister. But mostly she is talking about the existing equal pay for equal work legislation that provinces like Ontario have had now for a number of years.

We are not going to change the attitudes of our male-dominated economy by providing a measure that only goes another inch or two. Using the example the parliamentary assistant used the other day, it is not going to change the structure of the deprivation of rights of women in the work place to any meaningful extent by having the capacity now—which I presume we could have done by regulation if we had been clever about this—to determine whether a man who was working on the production of one size of pipe, was more skilled or needed more compensation than a woman who was working on a smaller size of pipe at another place in the same factory. That is equal pay for equal work with a mild exception because of the size of the pipe. That does not change structure.

It is like the other example of the sewing being done at two ends of a plant, in which one is sewing with a heavy stitch and another is doing fine finishing work at the other end of a clothing production line. That is only equal pay for equal work; it is just a matter of not letting people get away with fudging what is equal work. That is not dealing with the fundamental issue of how we ensure that the functions women play in many of our organized work places are recognized to have merit equal to those that men are performing,

although they may be doing quite different functions.

The example of the parking lot attendant and the receptionist has been hauled out any number of times. That is the example that is always used to make the point about equal pay for work of equal value. The same kind of thing can operate in many other circumstances. There are any number of women now working on computer terminals, many more than men in terms of data processing, keypunching operations and that sort of thing, yet in the same factory there will be people doing manual work, without the same kinds of skill requirements, who are earning more money.

Under this proposal of a change in legislation, the ministry would not be able to do anything about making judgements on those differentials, because under the ministry's definitions, people will be able to say it is not similar work. The ministry cannot make that kind of a judgement and therefore it will touch not the whole attitude of what value we place on a lot of these job ghettos that women have found themselves in.

I came up with an interesting fact while doing some research the other day. In the 1930s, clerical positions on average received higher salaries than skilled workers did. Today, of course, that is reversed. That is in part a result of another process, unionization, which helped the skilled workers. But it is also a matter of male-female differentiation, in my view, and a matter of definition of what is skill.

There is no doubt that a lathe operator has certain skills, but there should be no doubt that many clerical functions require enormous skills as well. That is not recognized in our society and it has become a ghetto for women. What the ministry is suggesting will not approach those discrepancies.

What I and my caucus are saying, and the reason we keep trying to get at the government and get some kind of movement on this, is that it is a very important time for symbolic action. This is the time to say about Ontario that yes, it has changed a great deal. It has changed about religion. One hopes it has changed about language. I believe it is changing in terms of all sorts of questions about race because of the development of a history of various kinds of immigration. Surely this is the time, in 1984, when we can do better than this.

**5:10 p.m.**

If the Premier is leaving, why not add a boost in this direction to his arsenal to show, when the history books are read, what wonderful work he



did in his decade or so in power as Premier here. It is much more than a decade or so, is it not? What a terrifying thought. It is his epoch in power in Ontario. Why not add a major gesture in that direction? We would love to see this supplemented by much stronger affirmative action in other areas. He knows that. We have raised our concerns about the inadequacies of the other work he is doing. We have before us now a particular motion about equal pay.

We have had debates on this in this House on several occasions since I was elected in 1979, and the principle of equal pay for work of equal value has been accepted each time. When we move to implementation, all we move to is a slightly more sophisticated notion of equal work for equal pay. Because that evolution of discussion has been going on, to move back from it, as the minister is doing in his legislation, not accepting the challenge, is a slap in the face to women.

Yes, there will difficulties with these measures and no one will deny that, but to step back from that, as we are doing, is a slap in the face to all those women who have worked very hard lobbying all these years. It is also a step backward into the past for this Legislature concerning the consensus that was developing and where we were moving as—dare I say it—a body of thought in this province. I have confused one of the members by using that word—

**Mr. McClellan:** Body?

**Mr. R. F. Johnston:** No, “thought” was confusing.

The parliamentary assistant is sitting with great patience as we speak. I presume he hopes we will gradually go away and desist, but we do not intend to. As I said when I was allowed a few words on this about a month ago, before I was called off to other duties, we believe this is vital. We believe the government can move farther than it has. We put one proposal and so far we have seen no sign that the minister is willing to address the kinds of things we are talking about. We will continue to try to raise these with him, to make him cognizant of the fact it is vital to us, that what we represent in this battle is important to a large number of activists in our society, and this direction is accepted by the majority in our society.

When we are in that condition is the time when a Conservative government should feel capable of moving. If it would realize that and come forward with what we are proposing—and it does not have problems with some of our suggestions—or some kind of variation or offer something back

to us that will move toward what we are talking about, then it would find a quickening of the parliamentary interaction for which one would hope. If we do not get that, with the introduction of new “must” bills today, and one of them is the corn bill which is only appropriate, it might be hearing this until the corn harvest is in. I would hate to see that for all of us.

**Mr. Wildman:** Mr. Chairman, I rise to support the amendment put forward by my colleagues and to put my contribution to this debate into the context of the statement made by the Premier yesterday. I do not understand why this government seems to have a piecemeal approach to equality. It is almost as if this government believes that equality is in some way divisible, that we can deal with one group, whether a minority or a majority, that is in some way deprived and does not experience the same equality of rights and conditions as do other groups in the society, and treat them in some particular way, respond to their needs, but at the same time ignore a very significant group in society that also has to have redress.

In that context, I find it completely incomprehensible that the government and the Premier could experience a road-to-Damascus conversion with regard to the rights of the Catholic minority in our society—the right to religious education and equality of funding is provided by this government on the one hand—yet on the other it is unwilling to move with regard to a group included in that group, but which needs redress of its language rights with regard to education and other services in Ontario.

It is even less easy to understand the government’s position when one considers the rights of women. As we know, women are a majority, not a minority in our society. At the same time, we know that women in our society and economy make approximately 60 per cent of the income of men. How do the parliamentary assistant and other members of this government explain this piecemeal approach to equality in our society? How do they explain that after many years the government can move in a very important area with regard to education rights for a significant minority in our society, but at the same time ignore the economic needs and rights of a majority?

My colleague the member for Scarborough West (Mr. R. F. Johnston) indicated that—I just received a message from the parliamentary assistant and I do not intend to can my opinion.

As I was saying, I suppose part of it is related to the attitudes talked about by the previous



speaker, the attitudes that we have had in our society towards equality for women. At one time in the not too distant past, those attitudes led the courts in this country to decide that a woman was not a person, but something like chattel property of her husband or, in some way if she were married, an extension of her husband. If she were single, I suppose she would be an extension of her father.

**5:20 p.m.**

Now we have moved from that position. We have moved to the point where we will admit that women are people with legal and even economic rights. We have moved to the point where we can talk about equal pay for equal work. I suppose this Conservative government will think it has moved a long distance in talking about equal pay for equal work, but as has been said so many times in this debate, that is not a great advance when one looks at the reality of the economic system in our society.

When we talk about equal pay for equal work, what we are really talking about is comparing women in a job ghetto to women in the same job ghetto and trying to determine whether they are being paid equally. It does very little to redress the difference between the income received by women as a group and by men as a group in a particular work place in our economy.

An argument has been raised about moving to accept the amendment proposed for equal pay for work of equal value, which would enable us to compare women in a particular work place with men in that work place who are doing different kinds of jobs and to compare the value of those jobs to the overall production.

The argument is that it would lead to great economic disruption, that in some way it would cost companies too much, that it would put them in a less competitive position compared to other countries and jurisdictions and that it would make it less easy for us to compete.

It is argued that we would be exacerbating our economic problems to the point where all of us, both men and women, would suffer as a result of this attempt to redress the inequality between the incomes of men and women in our society.

I submit that is the same argument that has been raised over and over again historically whenever any kind of reform to improve the lot of working people in our society has been proposed. One has to think about the historic background.

It would be very difficult for any of us, whether we be Conservatives, Liberals or socialists, to accept the conditions that existed in the

Industrial Revolution. I do not think any of us would support the working hours that workers were subjected to in the factories and mines when England was industrializing. We certainly would not accept the child labour laws that led to the hardship, disfigurement and even death of young children from working conditions we would not allow full-grown people to work in today. We have moved.

When the reformers spoke in those years and raised issues on the streets, in the work places and in the Parliament at Westminster, about the need for change to improve the lot of the working people, the same arguments were used. It would lead to such economic disruption that society would suffer; the economy would grind to a halt; capitalists just could not afford it; if they were forced to move, not only would they suffer but the workers who were supposed to be helped by the reforms would also suffer. We all know that is not the case. That did not happen.

I do not want to go over a lot of examples, but I am reminded of the arguments that were raised by the abolitionists with regard to slavery in the mid-1800s, prior to the Civil War in the United States. In what was mainly a southern US agricultural society, the planters argued, as has always been argued, that if they were not allowed to have indentured servants and slaves to do the work, especially to work in the cotton fields to supply the cotton gins, their economy, their society and the whole southern structure would collapse. They were even driven by the attempts at reform to fight a war to try to preserve what they considered to be an institution that was central to their society and economy, to fight against a reform they believed would somehow disrupt that economy and that society.

We do not have in this province a government that is ready to take up arms against women, not at this point anyway. Rather we have a government that simply sits there and does nothing, or when it does move, moves at such a snail's pace that no one notices. As a result, it does not have the kinds of objections raised to what it is proposing that we have seen in the past or that have been raised in this assembly about the amendment we are proposing.

The argument that we will cause economic collapse or disruption because we are going to talk about a significant change in the incomes women receive in our economy does not wash and never has washed. We have seen that the result of reform in the past, whether we are talking about the distant past or the more recent past, is that corporations, the people who have



power in our society, adapt. They adjust to the new reality and they are able to continue. We have seen that very close to home.

At the federal level, we have seen legislation for equal pay for work of equal value. We have heard in testimony before this House that the crown corporations which come under that jurisdiction have indicated there has been only a limited impact in relation to their economic situation and their competitive situation. At the same time, there have been substantial gains for the women employed by those companies. So we can bring about real change for the women who are disadvantaged at this time by bringing in an amendment, such as we have suggested, without a major adverse impact on the economy.

We have been told repeatedly by the Treasurer (Mr. Grossman), in this Legislature and throughout the province, as well as by the Premier, that we are in an economic upswing; we are in a recovery period, things are getting better, profits are up, layoffs are down, we are headed for a more prosperous future and Ontario is leading the way in this country.

If that is the case, surely it is a time when we can move, when the old arguments that have been raised so many times about economic disruption do not apply. Even if we accept those arguments, according to the government we are in an economic situation that will enable us to take whatever adjustments are necessary and still be able to move ahead and provide an economic climate that will produce jobs and greater opportunities for our population.

As has been said so many times in this debate, the members of this House have voted to support in principle the suggestions that have been made for the institution of systems to provide for equal pay for work of equal value and for measuring the value of various contributions in different job areas. We voted in 1979 on the bill of my former colleague Ted Bounsall, when all members in a voice vote unanimously supported the principle of equal pay for work of equal value. When I hear the kinds of arguments that are used now by members of the government about this amendment, all I can conclude is that the words and the votes in that debate were empty; they did not mean anything.

**5:30 p.m.**

What we have is a government, a group of members who have the majority in this assembly, that supported a principle and then never acted on it and is unwilling to act on it now. What good is a vote in favour of a principle if one is not prepared to take the actions necessary to implement that

principle? It is time this government put our money, and the money of the administration and bureaucracy, where its mouth is. We can implement this without great disruption. It can be done. What is missing is simply the will of this government to act.

I have spent some years in this Legislature, almost nine years now, trying to analyse how the Conservative government makes decisions. It has been an interesting learning experience for me. If I can spend a couple of minutes, I would like to analyse what I think leads this government to move.

The first principle it takes into account—and I do not know whether it is called a principle—is what the majority of the population thinks. The way it measures that is by doing public opinion polls over and over again on all sorts of subjects to find out what various people in society and the majority of people in our province think about various issues.

After a number of opinion polls have indicated the population generally or the majority of the population is shifting in its view of a particular matter, then the government appoints a commission to study it publicly, hold hearings and have people and groups make presentations so we can have input. Then that commission makes a report.

If the opinion polls indicate there is not sufficient support for whatever the commission has decided, which is usually what the government has decided ahead of time, then they do not act; but if the opinion polls suggest a lot of people agree with the commission, then this government will usually take action. Often it will not move as far as the majority is prepared to move, but it will move. This is probably what we have seen with regard to the Catholic secondary school education issue.

Another thing the government does is that when it has decided to move, long in advance of actually bringing in legislation or new regulations, it carries out an advertising program. It puts out a glossy advertising program from which its corporate friends in the advertising field benefit greatly. It tries to win over that group of the population that is still against whatever it is considering doing through advocacy advertising. Then it moves.

I suppose the parliamentary assistant may disagree with my analysis of how this government works and makes decisions to change, but if I am anywhere near an accurate description of how it operates, it seems very strange that it is not yet prepared to move on equal pay for work of



equal value. The opinion polls that have been carried out, not just in this jurisdiction but in North America generally, indicate a very substantial part of our population, the majority, is prepared to move in this area. If they are and if we are in an economic upswing, as the government keeps saying, why is this government unprepared to move? Is the proposal that has been made by the government simply the first in a long series of baby steps that might lead us some day to equal pay for work of equal value? That is another way this government moves, I suppose.

My study of this government over a number of years has indicated it follows the Mackenzie King principle of government. That could basically be described by using the analogy of a flock of sheep. According to Mackenzie King, a successful ram that is the leader of its flock is the one that stands back in the paddock and watches in which direction the flock is going, which gate the flock is going to go out. When the gate the majority is going to go out becomes obvious, the ram runs around and gets in front.

Mackenzie King made that statement and was quite successful in governing in that way. After all, he was Prime Minister of this country longer than anyone else. Nobody particularly liked him, but they kept voting for him, I suppose because that was how he operated. He tried to determine what the majority wanted, waited until that became obvious and then suddenly was in favour of it.

That is how this government tends to operate, in my view at least. If that is the reason and the way in which it decides things, why is it so slow to move in this area? People are ready for it. We are in a position now where people are prepared to move on this very basic issue of equality for women in our society and in our economy.

As I said when I first took part in the debate, I want to put this issue in the context of the statement made by the Premier yesterday with regard to the rights of the Catholic minority in secondary education. It has taken many years of controversies, confrontations and divisions to come to the point where all members of this Legislature and all leaders in the Legislature can stand and agree with one another that the time is ripe to provide for equality for that substantial and important part of our society that adheres to the Roman Catholic faith.

It has taken us since before 1867. We have gone through the 1917 schools question. We have gone through very divisive election campaigns on this issue. We have had people in our society fighting one another on it, literally

fighting one another, and certainly divided in prejudice over that issue.

**5:40 p.m.**

I hope we are not going to have to wait 120 years before we can have all members of this House standing and supporting equal pay for work of equal value. If that is the case, if we have to wait a long time while the government takes slow steps in that direction, such as the one proposed, to the point where we are almost there and it does not take a great deal of guts to get up and say, "This is something that is right and we are doing it because it is right," then I can only conclude that this government is basically a cowardly government.

Governments are elected to represent the wishes and the views of the majority and to protect the rights of the minority, but they are also elected to lead. It is the responsibility of the government to do what is right in its view and to inform people in the society so as to persuade those who do not understand why it is doing this or how it will be implemented.

A responsible government does not sit and wait for the people to move ahead of it and then run to catch up when they are going out the gate. I hope the parliamentary assistant will be able to stand in his place and explain how the legislation his government is proposing is in any way an indication of leadership by his government, and how his and the government's opposition to equal pay for work of equal value is an indication that Ontario and the Conservative government of Ontario are leaders in the field of equality for women and equality in general. We are certainly not leaders in this field when we look at the fact that Quebec and the federal government have already moved, and this government is still saying we cannot.

I do believe we have an opportunity to meet the challenge of providing for an equitable resolution of the problems that women face in our economy. We have this opportunity. The government can take it, or it can simply say, "Yes, there is an opportunity there, and we are going to respond with rhetoric but not with meaningful action." Too often this government moves simply in what it says rather than in what it does.

Interestingly enough, one of the arguments the Premier has used over and over again with regard to equal rights for the francophone population in our society has been to say, "Watch what we do, not what we say." His argument has been that we do not need to have a constitutional guarantee for francophone rights as long as the government is moving to provide services to francophones in a



number of areas and as long as things are improving. If on that particular issue the government is saying, "Rhetoric is not important, action is," why is it that in this particular case all we have is rhetoric and no action?

In my view we must have both. The words must be enunciated in a way that everyone understands; but words are not enough. We must have a commitment by the government to move to ensure that women who are making less than men in our society—because they are in job ghettos and do not have the opportunity to move into less traditional jobs where men are in the majority and are making more money—are able to have an income that is commensurate with their skills and their contribution to the society.

We have the opportunity; I wish this government had the courage to move.

**Mr. Boudria:** Mr. Chairman, it gives me pleasure to participate in the debate on this bill.

Interjection.

**Mr. Boudria:** The member for Bellwoods (Mr. McClellan) says he is also pleased. I am glad the New Democratic Party is finally recognizing the valuable contributions of the Liberal caucus.

**Mr. McClellan:** Do not generalize. I was not talking about you.

**Mr. Boudria:** We have spoken at some length in this debate. Obviously, we have reached a time when the government must consider equal pay for work of equal value. It is time that we moved in this area. There is no longer an acceptable and rational reason not to, if there ever was one; probably not.

One can trace back through the ages, looking at the reasons why governments have failed to enact laws in the past to protect people. We look back at the issue of child labour that has been mentioned by some members. All kinds of reasons were given why we could not stop child labour. It was said that the whole economies of certain societies and countries, and even the whole world, would collapse according to certain views at that time, if child labour laws were enacted to stop children working in mines and in the other jobs they were made to do. That work was seen as being perfectly acceptable.

Only a month or so ago I had the opportunity to visit the state of Louisiana as part of a parliamentary group attending a very interesting conference. We visited some plantations with large homesteads. We were shown the areas where the families owning the properties lived. We were also shown the areas where the slaves

had lived. It was such a contrast it was almost impossible for me even to comprehend how those differences between people could ever have happened so that people were owned outright by others. Yet that was all seen as being acceptable at that time.

It was seen as being totally irrational to change the laws, because if the laws were changed the whole economy and everything else I enumerated two minutes ago would collapse, according to the people who advocated the retention of those practices. Obviously, America is still one of the great countries of the world, notwithstanding the fact that those laws were removed. Nothing collapsed, everything is still there—or most things are still there.

**5:50 p.m.**

In 1984 we see ourselves looking at laws that will recognize the true equality of women. It is not enough to say equal pay for equal work for the following reasons. We have seen historically that the jobs women take end up being at the lower salary level. Even if they are as meaningful as other positions, not only do we have that situation, but I think if we went into a thorough investigation we would find that jobs taken over by women, even if they were well-paid jobs at one time, have gradually lost their relative importance.

I am sure if one looked at the salary of a secretary at the time when only men were secretaries, a secretary would not have been making less than a floor cleaner. That is the case in certain places today. How did this happen? Largely because women dominated that job and then the people in charge, the people in management positions, came up with the brilliant deduction that if women had those jobs we could afford to pay them less; therefore, the salary of the women holding those positions tended to go down.

Equal pay for equal work is just not sufficient. We have whole professions that have slid down the salary scale, and to say that underpaid woman A is paid the same amount as underpaid woman B is just no longer good enough; it does not do anything to recognize the true equality of women.

I said a few weeks ago in this Legislature, when we were in the second reading debate on this bill, that I just cannot comprehend how any one of us in this room today would think any woman is worth less than any man. The true fact is that when women make just over 60 per cent of the salaries of men, they are not equal. They should be, but we have not accepted as a society



that they are. If we had, how could this possibly go on?

As I said a few weeks ago, I have a daughter who is six years old. Some day she will enter the work place and earn a salary like everybody else, I assume, and I will never accept—nor will anybody else in this room—that my daughter is worth 60 per cent of somebody else's son. That is an unacceptable way of looking at things, and I will never accept it. She is worth at least 100 per cent—maybe a little bit more, because she is my daughter, of course—but certainly no less.

We as legislators have just got to think about this very seriously, as I am sure some of us have done over the few weeks—it is more like months—during which we have been debating this bill. We have been debating this for a fairly lengthy period of time, and I am sure the time we have spent listening to the very good and very thorough contributions of various members of the Legislature should lead each and every one of us to the view that it is time to move on and amend this legislation to ensure that there is equal pay for work of equal value, not equal pay for equal work, because of course that means nothing when we have professions that are dominated by women. When we have that, the whole profession loses its relative importance in salary and it does not do justice to the position.

I would suspect that if all people working in car plants today were women, they would be paid less, just as practically all secretaries are paid less than those in other positions of relative importance.

Someone made the remark in this Legislature that the Minister of Education (Miss Stephenson) is paid the same as the Minister of Intergovernmental Affairs (Mr. Wells), and that is equal pay for equal work. Not quite. I like the Minister of Intergovernmental Affairs better and I think he is more competent, but they are assumed to have equal competence and therefore should be paid equally, and rightfully so. That is equal pay for equal work.

It is interesting to note that in meetings we have had with various parliamentarians, if we take only our function as legislators, the American jurisdiction that has the highest number of women legislators is the state of New Hampshire. Do members know which American legislature pays the smallest salary to its legislators? You guessed it, Mr. Chairman. New Hampshire pays its legislators \$750 a year, and the place is dominated by women. More than half that legislature is made up of women.

The US Senate, which probably has the highest-paid legislative positions in the world, does not have too many women around. It is interesting to make that parallel in the single function of legislating. One could say, of course, they have been elected, and since they were chosen to run for office, the odds are the people who chose them felt they were best qualified.

That is not even so if one looks at the candidates who ran for office here, a relatively well-paid Legislature. Of course, all of us think we are very competent and worth far more, but in a relatively wealthy Legislature, if we look at all the candidates who ran in the last election, approximately 95 per cent of them were men. It is very difficult to elect two thirds women when only five per cent of candidates are of that sex. On the law of averages, only men will be elected to this Legislature, and to all intents and purposes that is almost what we have. We have only a handful of women legislators in this province.

I noted similar examples in the visits I have made to other legislatures. Last summer in a parallel incident I went to Jersey, a British island off the coast of France, where the legislators receive no salary. There were approximately 50 per cent men and 50 per cent women there, which is a passing strange coincidence.

If we just look around us, it should not take us very long to notice that women are being discriminated against and it is important that laws be enacted to ensure women are treated as the true equals of men, which they obviously are.

**The Deputy Chairman:** It nearing six o'clock and there being a few motions to put forward, would the member for Hamilton Mountain mind waiting until the next opportunity to speak?

**Mr. Charlton:** I have no objection, Mr. Chairman.

On motion by Hon. Mr. Wells, the committee of the whole House reported one bill without amendment and progress on another bill.

## BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, I wish to indicate the business of the House for next week.

On Monday, June 18, in the afternoon, we will have second reading of Bill 74, committee of the whole House on Bill 88 and consideration of the motion for interim supply. In the evening, we will have second reading of Bill 77.

On Tuesday, June 19, afternoon and evening, we will have second reading and committee of the whole on Bill 99, followed by second reading of Bill 101.

On Wednesday, June 20, the House will sit in the afternoon with routine proceedings, followed by second reading and committee of the whole, if required, on Bills 66, 64, 84 and 85. Then we will continue in committee of the whole on Bill 142.

On Thursday, June 21, in the afternoon, we will consider Bill 142. In the evening, we will continue with Bills 62, 75 and 141, if they have not been completed before that time.

On Friday, June 22, we will consider any legislation still on the Orders and Notices that I have already indicated will be considered. We will announce the particular pieces some time next week.

Mr. Speaker, I wonder if I might also have consent to place a motion about sittings next week.

**The Acting Speaker (Mr. Robinson):** Is there unanimous consent to revert to motions?

Agreed to.

## MOTION

### HOUSE SITTINGS

Hon. Mr. Wells moved that, notwithstanding any previous order of the House, the House will sit in the chamber on the afternoon of Wednesday, June 20, and that, notwithstanding standing order 64, private members' public business will not be taken up on Thursday, June 21.

Motion agreed to.

**Hon. Mr. Wells:** Mr. Speaker, I wish my friends in the official opposition well. I hope those of them who have stayed to the bitter end here in the House will continue as happy and smiling as they are at this minute. We will look forward to hearing all the details of the momentous occasion this weekend when we gather on Monday.

The House adjourned at 6 p.m.



## APPENDIX

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## PSYCHIATRIC PATIENTS

**307. Mr. Cooke:** Will the Minister of Health table the number of children under 16 who have been in residential care in the past three years in psychiatric wards of general hospitals and specify the numbers by individual year, by individual hospital? [Tabled April 16, 1984]

**Hon. Mr. Norton:** The number of children under 16 years of age admitted to psychiatric wards of general hospitals in 1981-82 and 1982-83 is as follows: 1981-82, 446; 1982-83, 22. The figures for 1983-84 are not available yet.

## AMATEUR HOCKEY

**322. Mr. Martel:** Will the Minister of Tourism and Recreation table information as to the amount of funds allocated to (1) the study of the University of Waterloo under Professor Bishop regarding hockey injuries across Canada; (2) the study at Sunnybrook Medical Centre by Dr. Tator regarding the number of hockey injuries; and (3) the sports medicine division of the Ontario Sports Centre? [Tabled April 24, 1984]

**Hon. Mr. Baetz:** 1. Over the period 1981 to 1983, \$23,000 was paid to the University of Waterloo via Hockey Ontario for Dr. Bishop's study.

2. Thus far, approximately \$1,200 has gone to the sports medicine office towards administrative costs (printing and mailing) regarding Dr. Tator's study.

3. The Ontario sports medicine office is receiving \$50,000 for use in the current fiscal year to maintain the existing hockey programs and develop new programs in other areas.

## ATTENDANT CARE SERVICES

**325. Mr. Wrye:** Will the Minister of Community and Social Services advise the House of (a) the total number of orders in council for personal attendant care that have been requested and (b) the number of successful applications? [Tabled April 27, 1984]

**Hon. Mr. Drea:** An order in council for attendant care is a mechanism available to the minister to provide special assistance in those rare and unusual circumstances where alternative means of providing services are unavailable.

Requests for services are handled by our field offices, and with the variety of services available, including support service living unit projects and community-based visitation programs, suitable community services can be arranged in the majority of cases.

At the present time, nine people are receiving personal attendant care through the order in council mechanism and one more has been approved for funding.

Twenty clients have not been recommended for the order in council funding for the following reasons: the client could be appropriately served by an alternative program; the client's existing service arrangements were satisfactory in meeting his/her service requirements; the client was inappropriate for an attendant care arrangement (that is, the client required ongoing professional/paramedical services on a daily basis).

The cases of six clients are currently being reviewed to determine if order in council funding is appropriate in view of their care requirements.

As announced in the budget speech, the ministry is expanding attendant care services to assist severely disabled persons to live independently in the community or with their families.

I will make a statement with respect to this program in the near future.

## TRIMINISTRY PROJECT

**400 to 406. Mr. R. F. Johnston:** Will the ministry table the following information on the contract and operation of the triministry project at Chateau (Kirkland Lake) Nursing Home, Jann-Lynn Nursing Home, Elm Tree Nursing Home, Lakewood Nursing Home, Muskoka Nursing Home, Sunnyside Nursing Home and Coleman Health Care Centre?

What was (1) the total budget by year; (2) per cent of budget going to staffing; (3) the number of full-time equivalent staff positions created; (4) a description of the jobs to be undertaken by staff and a general description of the program; (5) the amount spent on nonsalary items; and (6) a description of major nonsalary expenditures? [Tabled May 28, 1984]

**Hon. Mr. Drea:** As the triministry project is managed by our field offices, it will take considerable time to compile the information requested. We will endeavour to provide information regarding these questions during the ministry's estimates debates.

## CONTENTS

**Wednesday, June 13, 1984**

### Statements by the ministry

Drea, Hon. F., Minister of Community and Social Services:

**Attendant care services** ..... 2481

Elgie, Hon. R. G., Minister of Consumer and Commercial Relations:

**Task force on financial institutions** ..... 2481

### Oral questions

Andrewes, Hon. P. W., Minister of Energy:

**Electrical workers' dispute**, Mr. Sargent, Mr. R. F. Johnston ..... 2483

**Gasoline prices**, Mr. Martel ..... 2491

Brandt, Hon. A. S., Minister of the Environment:

**Great Lakes water quality**, Mr. Elston ..... 2487

Drea, Hon. F., Minister of Community and Social Services:

**Wesway Inc.**, Mr. Foulds ..... 2492

Elgie, Hon. R. G., Minister of Consumer and Commercial Relations:

**Illegal rent increases**, Mr. McClellan ..... 2486

McMurtry, Hon. R. R., Attorney General:

**Video censorship**, Mr. Allen ..... 2490

Norton, Hon. K. C., Minister of Health:

**Inspection of nursing homes**, Mr. Cooke ..... 2489

Pope, Hon. A. W., Minister of Natural Resources:

**Spray program**, Mr. T. P. Reid ..... 2489

Ramsay, Hon. R. H., Minister of Labour:

**Strikebreaking legislation**, Mr. Mackenzie, Mr. Mancini ..... 2488

**Workers' Compensation Amendment Act**, Mr. Wrye, Mr. McClellan ..... 2491

Sterling, Hon. N. W., Provincial Secretary for Resources Development:

**Indian band agreement**, Mr. J. A. Reed, Mr. Van Horne ..... 2482

**Indian band agreement**, Mr. Wildman, Mr. J. A. Reed, Mr. Foulds ..... 2484

### Report

**Standing committee on social development**, Mr. Kells, agreed to. .... 2492

### Motions

**Committee sitting**, Mr. Wells, agreed to. .... 2492

**Polish hunger strikers**, Mr. Shymko, Mr. McClellan, Mr. Newman, Mr. Wells, Mr. Nixon,  
Mr. Mancini, Mr. Breaugh, agreed to ..... 2492

**House sittings**, Mr. Wells, agreed to ..... 2516



**First readings**

<b>City of Nepean Act</b> , Bill Pr27, Mr. Mitchell, agreed to . . . . .	2494
<b>City of London Act</b> , Bill Pr 19, Mr. Van Horne, agreed to . . . . .	2494
<b>Health Protection and Promotion Amendment Act</b> , Bill 103, Mr. Cooke, agreed to . . . .	2494
<b>Farm Products Payments Amendment Act</b> , Bill 104, Mr. Timbrell, agreed to . . . . .	2494
<b>Farm Products Grades and Sales Amendment Act</b> , Bill 105, Mr. Timbrell, agreed to . .	2495

**Second readings**

<b>Scandinavian-Canadian Centre Act</b> , Bill Pr13, Mr. Williams, agreed to . . . . .	2495
<b>Employment Standards Amendment Act</b> , Bill 62, Mr. Ramsay, Mr. Gillies, Mr. Mancini, Mr. Mackenzie, agreed to . . . . .	2495
<b>Labour Relations Amendment Act</b> , Bill 75, Mr. Ramsay, Mr. Gillies, Mr. Mancini, Mr. Mackenzie, agreed to . . . . .	2502

**Committee of the whole House**

<b>Labour Relations Amendment Act</b> , Bill 75, Mr. Ramsay, Mr. Gillies, Mr. Mancini, Mr. Mackenzie, reported . . . . .	2505
<b>Employment Standards Amendment Act</b> , Bill 62, Mr. Ramsay, Mr. Gillies, Mr. R. F. Johnston, Mr. Wildman, Mr. Boudria, adjourned . . . . .	2501

**Third readings**

<b>Young Offenders Implementation Act</b> , Bill 28, Mr. Drea, agreed to . . . . .	2495
<b>Scandinavian-Canadian Centre Act</b> , Bill Pr13, Mr. Williams, agreed to . . . . .	2495

**Royal assent**

The Honourable the Lieutenant Governor . . . . .	2501
--	------

**Other business**

<b>Visitors</b> , The Acting Speaker . . . . .	2482
<b>Business of the House</b> , Mr. Wells . . . . .	2515
<b>Adjournment</b> . . . . .	2516

**Appendix****Answers to questions in Orders and Notices**

Baetz, Hon. R. C., Minister of Tourism and Recreation:	
<b>Amateur hockey</b> , question 322, Mr. Martel . . . . .	2517
Drea, Hon. F., Minister of Community and Social Services:	
<b>Attendant care services</b> , question 325, Mr. Wrye . . . . .	2517
<b>Triministry project</b> , questions 400 to 406, Mr. R. F. Johnston . . . . .	2517
Norton, Hon. K. C., Minister of Health:	
<b>Psychiatric patients</b> , question 307, Mr. Cooke . . . . .	2517

**SPEAKERS IN THIS ISSUE**

Allen, R. (Hamilton West NDP)  
Andrewes, Hon. P. W., Minister of Energy (Lincoln PC)  
Boudria, D. (Prescott-Russell L)  
Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)  
Breauth, M. J. (Oshawa NDP)  
Charlton, B. A. (Hamilton Mountain NDP)  
Cooke, D. S. (Windsor-Riverside NDP)  
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)  
Edighoffer, H. A. (Perth L)  
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
Elston, M. J. (Huron-Bruce L)  
Foulds, J. F. (Port Arthur NDP)  
Gillies, P. A. (Brantford PC)  
Johnston, R. F. (Scarborough West NDP)  
Mackenzie, R. W. (Hamilton East NDP)  
Mancini, R. (Essex South L)  
McClellan, R. A. (Bellwoods NDP)  
McMurtry, Hon. R. R., Attorney General (Eglinton PC)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K. C., Minister of Health (Kingston and the Islands PC)  
Pope, Hon. A. W., Minister of Natural Resources (Cochrane South PC)  
Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
Reed, J. A. (Halton-Burlington L)  
Reid, T. P. (Rainy River L-Lab.)  
Robinson, A. M., Acting Speaker (Scarborough-Ellesmere PC)  
Sargent, E. C. (Grey-Bruce L)  
Shymko, Y. R. (High Park-Swansea PC)  
Sterling, Hon. N. W., Provincial Secretary for Resources Development (Carleton-Grenville PC)  
Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
Treleaven, R. L. (Oxford PC)  
Van Horne, R. G. (London North L)  
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
Wildman, B. (Algoma NDP)  
Wrye, W. M. (Windsor-Sandwich L)









# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Monday, June 18, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, June 18, 1984

The House met at 2 p.m.

Prayers.

## PRIME MINISTER ELECT

**Hon. Mr. Davis:** Mr. Speaker, I would like very briefly to extend my congratulations to Mr. Turner, the Prime Minister elect of this country, and wish him well in his responsibilities. In the process of communicating to Mr. Turner, as chairman of the group of ministers in this country, I will bring him up to date on matters that are current and I will probably raise with him one or two matters relating strictly to Ontario.

Being Prime Minister of this country is a very difficult and onerous responsibility. It is a tremendous country, but one that is not necessarily easy to govern. On behalf of the government of this province, I would express our best wishes to the Prime Minister elect.

**Mr. Peterson:** Mr. Speaker, I would like to join with the Premier in extending our good wishes—

**Mr. Nixon:** Without reservation.

**Mr. Peterson:** —without reservation to the new Prime Minister, who will be installed very shortly, I expect. I can tell the Premier I have already extended his personal good wishes to the new Prime Minister, but I am sure he would want to do that in his own words as well.

I can tell the House from personal experience it was a great convention. It was a great rebirth of Liberalism right across this country, as I am sure is obvious. I guess the happiest moment of the entire convention for me came after the victory was announced, when I saw the face of Norman Atkins drop. I had a particularly good vantage point to watch his face at that time, and it was a great occasion.

**Mr. Nixon:** The last time Norman Atkins's face dropped was when Al Lawrence was 44 votes short.

**Hon. Mr. Davis:** He certainly was smiling in 1971, 1975, 1977 and 1981—a big smile.

**Mr. Bradley:** Not in 1975 and 1977.

**Mr. Nixon:** Sorry about that.

**Mr. Peterson:** It is not my intention to be partisan, but my colleague has some personal

reminiscences of all those great times in our country.

As the Premier said, the new Prime Minister is embarking on a great set of challenges that face this country, and I know the man well enough to know that petty partisan concerns will not be his first priority. I know he will deal with the Premier of this province with the respect he deserves.

Interjections.

**Mr. Speaker:** Order.

**Mr. Peterson:** I know he is going to be prepared to work with the Premier of this province to forge a consensus to face some of the great problems that not only this province but also this country faces. It is a time when we must put some of the petty bickering behind us. I know he is that kind of person, that kind of Prime Minister.

The Premier obviously has absolutely no understanding of what I am talking about; either that or he is embarrassed. But it was a great occasion for this country. I thought the federal Liberal Party distinguished itself. I am one of those who will be working with the new Prime Minister and with other Canadians of goodwill to bring about a new era of federal-provincial co-operation as we build the new Canada together.

**Mr. Rae:** Mr. Speaker, I would like to join in this festive occasion from all sides of the House. I certainly want to express my good wishes to Mr. Turner on assuming the leadership of the Liberal Party. It is an onerous and difficult task to give that party some direction. On behalf of our party, I want to extend to Mr. Turner our very best personal wishes.

Rather than engage in a lengthy discussion on what kind of Prime Minister Mr. Turner will or will not be, I think it might be a wise idea for us to look forward to an election which will finally clear the air and determine who will form the government of Canada. Of course, we will be working in a very co-operative and positive way with whatever government that happens to be.

**Mr. O'Neil:** Mr. Speaker, on this same matter, I have just taken off my John Turner button. I wonder if I could send it over to the Premier to wear with pride today.

**Hon. Mr. Davis:** I was given a button by one of the member's friends, only she was not his friend. She was from Metropolitan Toronto. Some three or four weeks ago when I was attending another event, there happened to be a Metro Toronto caucus member who asked me to wear this button. She said at the same time, "But of course we will all be voting for you when the provincial election comes."

## STATEMENTS BY THE MINISTRY

### PHOTOGRAPHS ON DRIVERS' LICENCES

**Hon. Mr. Snow:** Mr. Speaker, on this joyous occasion, I would like to take a few moments to inform members of the House that we are going ahead with a system to place photographs on drivers' licences. The issue of photo licences has been edging its way to the forefront since the mid-1970s and for a number of very good reasons. Let me highlight some of them for members.

It is one of the best ways to prevent suspended drivers from borrowing, or even stealing, someone else's driver's licence to continue driving. Now, if they are stopped by police they can produce another person's licence and police have no positive way of knowing it does not belong to that driver. Even if police check the record of the person named on the licence, if the record is clear the driver is free to go.

One serious concern is drivers who have been suspended for serious offences such as criminal negligence, careless driving or driving while impaired, and who beg, borrow or steal another person's licence to get back on the road while suspended. Among this group are repeat offenders of these serious crimes. Their driving privilege has been temporarily removed not only to reprimand them, but for the safety of all other drivers on the road. This deliberate flouting of the law endangers all other motorists, who have the right to be protected. Photographs on licences will help keep these drivers off the road.

Another concern is drivers who use a lost or stolen licence and are convicted of driving offences that may result in fines or demerit points. These convictions are then recorded against an innocent person. Without a photo on a driver's licence, an experienced driver may substitute for an inexperienced driver to obtain a driver's licence on his behalf.

Based on these and many other reasons, it is no surprise that for many years the police throughout this province have been strongly behind photographs on drivers' licences to ensure

positive identification of the driver and to improve enforcement.

I want to assure my honourable colleagues in the House and the general public that every effort will be made to create a service that is as convenient as possible. I realize that because of the necessity to take a picture, there will be some degree of inconvenience to the motorist; however, I believe the advantage of having safer highways far outweighs this inconvenience.

Every driver examination centre and licence issuing office, nearly 400 in total, will be equipped to take colour photographs. We are also looking into a process which will allow those living temporarily outside the province or in remote areas to renew their licences by mail.

**2:10 p.m.**

We are proposing a two-part licence. Part 1 will contain the photograph and part 2 will contain information similar to what is on the present driver's licence. Once the system is in place, only part 2 will be replaced by driver's reporting a change of information. The photograph and licence will be replaced every three years to match the present three-year renewal cycle, or if the person's name is changed. It will take three to four years to complete the phase-in of the system, beginning January 1, 1986.

I trust the introduction of photographs on drivers' licences will make our roads safer and provide the police with adequate means for proper identification.

### RAPID TRANSIT

**Hon. Mr. Snow:** Mr. Speaker, there appears to have been some critical misinterpretation of my statement to this House a week ago today during which, in part, I outlined the status of regional plans for GO advanced light rail transit as they concerned northern Metropolitan Toronto. Consequently, I would like to take a minute or so to separate the facts from the fiction for the benefit of honourable members.

I said, as I have from the very beginning, the planning for the interregional transit line across north Metro will be completed. Simply stated, that insists that the appropriate and most cost efficient corridor must be determined now if we are to be in a position to respond to the predicted long-term transit needs in this expanding area. I also said as far back as October 1982 that the province would work together with the Toronto Transit Commission, Metro Toronto and other affected municipalities to select all possible alignments for the service.



In a planning report, the TTC indicated its immediate concern is the Sheppard Avenue corridor, already overloaded and still expanding. That report calls for a rapid transit service along Sheppard to link the Scarborough Civic Centre and a proposed station on an extended Spadina subway line. It suggests another line to run west along Eglinton between the Spadina station and the vicinity of the airport, eventually connecting with the Mississauga City Centre and Oakville by the GO-ALRT system.

I said I was prepared to support the TTC, for I concur with the report's observation that these proposed links will meet the more immediate transit demands and quickly improve north Metro's overall transit capacity. I did not say we would abandon our long-term regional planning objectives for the simple reason that we must be ready to move to meet our interregional transit needs as they develop.

Finally, some of the criticism of the TTC proposal can only be termed speculative because the details of the Sheppard-Eglinton east-west line have not been determined. I personally believe the TTC with its long history of expertise in transit can work out those details to the ultimate satisfaction of its ridership.

## REPORT ON THE LAW OF TRUSTS

**Hon. Mr. McMurtry:** Mr. Speaker, at the appropriate time today I will be tabling the Ontario Law Reform Commission's two-volume report on the Law of Trusts, which was recently submitted to me. The review of the law of trusts was started a number of years ago by the commission as part of its undertaking to review the whole of the law of property in Ontario. The completion of this report means that a substantial part of the project has now been concluded.

The modern law of trusts in Ontario is a combination of statute and common law. It is a settled body of law, but in a number of respects it has become outdated and in need of change. While the commission decided against a complete codification of trust law, it has recommended extensive revision of the Trustee Act. The statute's present character as enabling legislation that is supportive of the common law would be retained but modernized to accommodate contemporary needs. In areas where the law is out of date, the commission suggests codification be attempted.

I would like to take a couple of minutes to outline some of the report's more notable recommendations. First, the commission proposes to codify the general duty of care

governing the exercise of power and discharge of duty by trustees. It would adopt as the standard "that degree of care, diligence and skill that a person of ordinary prudence would exercise in dealing with the property of another person." Nonprofessional trustees would be held only to this general standard, while professional trustees would be governed by a somewhat higher standard.

Second, the commission feels that the efficient management of trusts would be facilitated by including provisions in the revised Trustee Act to ensure that the death, retirement or removal of a trustee does not unnecessarily disrupt the ongoing management of the trust. The commission considers court applications expensive and time-consuming and would discourage their use by implementing simple, nonjudicial mechanisms for the appointment and discharge of trustees.

With respect to a trustee's power of investment, the commission recommends the abolition of the statutory list of authorized investments. Subject to the prudent person duty and to certain statutory guidelines, trustees should be able to invest trust money in any kind of property.

I would like to point out that the report of the Ontario Law Reform Commission does not deal with the law of charitable trusts. My ministry is currently considering ways in which a review of this important area of law might be conducted in consultation with charities and their advisers and other concerned groups and persons.

Obviously, I have touched on only a few points contained in this important report. The government intends to review the recommendations and to seek comments from interested groups and individuals. I look forward to an interesting debate on the many issues raised in the report. I would like to express my appreciation to the Ontario Law Reform Commission for its continuing commitment to the improvement of the laws of this province.

## HIGHWAY TRAFFIC AMENDMENT BILL

**Hon. Mr. McMurtry:** Mr. Speaker, later today I will be introducing a bill that will improve the collection of fines for provincial offences. An amendment to the Highway Traffic Act will permit the automation of procedures involved in the suspension of drivers' licences for nonpayment of fines. The amendment will remove the need for a court order before a suspended licence can be reinstated and will also facilitate communication by computer among the courts, the defaulted fines control centre and the Ministry of Transportation and Communications.



One important effect of these changes will be that persons whose licences have been suspended for nonpayment of a fine will be able to pay that fine at any court location in the province. At the moment, the need for a reinstatement order requires that the fine be paid at the court which issued the original suspension order. Additionally, we anticipate the increased speed and efficiency that automation will bring about will increase the deterrent effect of licence suspensions for nonpayment of fines.

#### PROVINCIAL OFFENCES AMENDMENT BILL

**Hon. Mr. McMurtry:** Mr. Speaker, I will also be introducing an amendment to the Provincial Offences Act to permit the establishment by regulation of fees for fines that go into default. Most people pay their fines on time, but those who do not do so cause the taxpayers a considerable financial burden in record-keeping and other administrative expenses. The purpose of the administrative fee is to place the burden of those expenses on those whose actions have caused them.

In connection with this bill and the aforementioned Highway Traffic Amendment Act, I want to stress that they relate only to defaulted fines. Under the Provincial Offences Act, a fine does not go into default until the last extension of time for payment has expired. The Provincial Offences Act requires that extensions of time be granted unless the justice is satisfied that a request for an extension is not made in good faith or that the extension would likely be used to evade payment. There is no arbitrary limit on the number of extensions that can be obtained.

I believe these bills will improve the collection of fines for provincial offences and will reduce the burden placed on the taxpayer by those who refuse to pay their fines. In the light of the noncontroversial nature of the amendments, I ask all members to co-operate in securing expedited passage.

#### RESOURCES DEVELOPMENT STATUTE LAW AMENDMENT BILL

**Hon. Mr. Sterling:** Mr. Speaker, later today I will be tabling the Resources Development Statute Law Amendment Act. Essentially, the bill represents a compendium of minor amendments contained in more than 30 acts from eight different ministries in the resources policy field. In this respect, the bill does not attempt to make significant changes in policy.

The primary purpose of this act is to increase the productivity of time spent in the Legislature and to provide for better management in government. In other words, through minimizing the focus on housekeeping amendments in one bill, greater time and emphasis can be placed by the Legislature on significant policy matters.

As well, I am sure all members have found in the past, due to time constraints, it was evident that this kind of amendment was often postponed until major issues were addressed. Although this prioritization is certainly understandable, I believe the net result behind this bill will not only be a time saver, but will also improve the overall management of our government.

**2:20 p.m.**

Members may recall I first introduced the concept of this bill in my June 1983 estimates as Provincial Secretary for Justice and more recently in October 1983 during the estimates of my current responsibility. I believe this could be a very worthwhile function of the secretariats.

Clearly, the success of this process depends on an open approach. It is for this reason that discussions with my colleagues, the opposition critics, have been held in advance. In this regard I have asked those members to explain the process and legislation to their respective constituencies. Should it be the feeling of any party of the Legislature that sections of the bill are not necessarily housekeeping in nature and have policy implications, those sections will be withdrawn and introduced by the responsible minister at a later date. Because I am acting with delegated authority, it will be difficult for me to entertain amendments or additions during the process.

In short, the Resources Development Statute Law Amendment Act must involve the participation and support of all members in this Legislature if it is to be successful. Although this step is an innovative one, it can be a worthwhile mechanism, a mechanism that will benefit the Legislature and provide for the good management of our government.

#### ORAL QUESTIONS

##### STOUFFVILLE DUMP

**Mr. Peterson:** Mr. Speaker, I have a question for the Minister of the Environment. No doubt the minister is aware of reports published over the weekend, when finally a report became public with respect to polychlorinated biphenyls being found in the Devlin household well near Stouffville. After many discussions in the House on this subject, he will also be aware that each



subsequent report tends to reveal there is movement of the plume. This new report raises very serious questions about the safety of drinking water as the plume is moving.

What assurances can the minister give this House and, more important, the residents of Whitchurch-Stouffville that their drinking water is not in any jeopardy?

**Hon. Mr. Brandt:** Mr. Speaker, the ministry has already taken steps to supply drinking water where there is any slight suspicion of or concern about even potential contamination of a well. I share the concern of the Leader of the Opposition in connection with the finding of PCBs in the Devlin well, but at this time we have not determined—it is our monitoring that is bringing out this information; the record should show that.

With respect to the Devlin well, the level of PCBs is well below the drinking water standard already established for Ontario. If that standard of PCBs were reached and the well were being used for drinking water, it would still not present a hazard. The Devlins have already been supplied with a communal water system and are being given piped water at this time. There is not difficulty with that well.

**Mr. Peterson:** Is the minister aware that many people question the standard for PCB levels created by his ministry? By many measures, it is an arbitrary standard. There is additional very disturbing evidence in that report. It says there are trace amounts of pesticides in the raw drinking water in Whitchurch-Stouffville's well number five. There are also trace amounts in the east branch of the Holland River. There is zinc in the Barker house drinking well water, 43 milligrams per litre. The evidence, compounding on a daily, annual or semi-annual basis, is showing the movement of that plume in a southwesterly direction.

My question to the minister was not answered the first time, and I will ask it again. What assurances can he give to the residents of Whitchurch-Stouffville that there will be no threat to their drinking water?

**Hon. Mr. Brandt:** We are monitoring those wells and the movement of any plume migrating offsite in the Stouffville area. The assurance I can give the member is that we are watching and monitoring the situation very carefully. We will be aware of any movement that occurs. If it is necessary for us to take some action with respect to other wells, we will do so.

At this point, I believe the degree of concern that the member is indicating is somewhat exaggerated based on the present evidence, but I

will share the information with him as it becomes available from my ministry. We are quite prepared to drill additional monitoring wells in that area to make absolutely certain that under no conditions will any water end up in wells in a contaminated form that is going to affect those residents.

I can assure the member I share his concerns in that respect, and I am going to do everything I can to make sure those wells are totally, completely and unquestionably safe. That is the best guarantee I can give.

**Mr. Rae:** Mr. Speaker, the minister knows perfectly well that there is no drinking water standard for PCBs. If he is not aware of that, he should be. The Ministry of the Environment's own blue book establishes that PCBs are a substance with a zero tolerance limit.

Given that this evidence with respect to PCBs is unprecedented and has not been found before in the drinking water in the area, it is an occurrence that should cause the minister real concern. It is not simply a question of providing bottled water to a number of residents; it is a question of whether the funds are available from the company itself to stop the flow of the plume. By the way, the minister should know that even at the Waste Management Inc. head office, the office on the site, they are now providing their own employees with bottled water.

Can the minister point to the agreement that was reached with WMI and tell us where in that agreement is the assurance that the company, which has been responsible for the pollution of the drinking water and the threat to the environment in this part of Ontario, is going to be held responsible and legally accountable for the real damage it has caused to the environment in this province?

**Hon. Mr. Brandt:** Mr. Speaker, first, let me straighten out the leader of the third party with respect to the comments he made in connection with PCB levels.

I want to share with the honourable member that we do have a guideline which indicates a safe level for PCBs in drinking water. That guideline indicates the level of PCBs found in the Devlin well is well below the guideline we have established in Ontario. There are jurisdictions that have absolutely no guideline whatever. To make absolutely certain that drinking water is safe in this province, our guideline is really quite stringent. Part of that guideline incorporates a level of allowability for PCBs.

Second, whenever it is proved that a company has contaminated a landfill site, which ultimately



or at some future time migrates offsite and causes contamination of adjacent well water, we do everything we possibly can from a legal standpoint to hold the company accountable. It will be done in connection with the Stouffville site or any other single site in the province. I give the member that assurance.

**Mr. Peterson:** Unless it is appealed; then the minister backs off. He has already contradicted himself. He said there was no contamination in the wells. He is very much against all that, and yet every time we have a new report—

**Mr. Speaker:** Question, please.

**Mr. Peterson:** —there is more evidence of new forms of contamination in the wells, and it is spreading in a direction that is dangerous. Surely he must be aware of that. He cannot use the same arguments his predecessors used for a couple of years in this House—

**Mr. Speaker:** Question.

**Mr. Peterson:** —saying there are no problems when the evidence is mounting against him daily.

**Hon. Mr. Brandt:** The member is wrong.

**Mr. Speaker:** Order.

**Mr. Peterson:** The minister is wrong. He was wrong; they were all wrong.

**Mr. Speaker:** Question, please.

2:30 p.m.

**Mr. Peterson:** The minister is no doubt aware that 27,000 gallons per day of contaminated leachate are flowing from that site. The time has come to stop any more leachate from coming out of that site. Surely the minister cannot fool around with any more appeals, dragging it on, when the evidence is mounting against him. Why is the minister not stopping it now?

**Hon. Mr. Brandt:** I have indicated to the Leader of the Opposition that we are monitoring that site on a regular basis. We have stepped up our monitoring substantially. We in the ministry are spending a lot of money to make absolutely certain we know about any migration that might occur off that site before it becomes a problem. We are on top of the matter with the best scientific technology we can apply to that site.

I have seen the Leader of the Opposition do this before, and I really think he should be very careful about some of the figures he throws around. I do not think it is in the best interests of that community for him to get into hysteria about a problem that might occur when there is no evidence that it is occurring at the present time. I think he should use a little caution when he makes some of those comments.

**Mr. Peterson:** It strains credibility for the minister to go on passively the same way day after day; meanwhile the evidence is mounting against him and he sticks his head in the sand.

## TOMATO PROCESSING

**Mr. Peterson:** Mr. Speaker, I have a question for the Minister of Agriculture and Food. The minister will be aware that we had a discussion in this House a little while ago with his colleague the vice-chairman of the Board of Industrial Leadership and Development, the Minister of Industry and Trade (Mr. F. S. Miller), with respect to the grant to Topaz, and he was not aware of the situation. He was aware only, I gather, that somehow or other the officials from the Ministry of Agriculture and Food squashed that grant or prevented that Canadian company from getting a little assistance. Meanwhile, the ministry went on and helped a foreign multinational.

Why is his ministry so hostile to Canadian enterprise, to domestic small business, when his colleague is so much in favour of it? Why did his former deputy minister call the Canadian businessmen whiners and complainers? Why would he not help this company, Topaz, which has a demonstrated good record, when he went on to help a foreign multinational? Why is he holding this whole matter up?

**Hon. Mr. Timbrell:** Mr. Speaker, first of all, the matter has not been held up; the company in question has been approved for a BILD grant.

Just to go back over the history of this program, it was established in 1981 to promote the replacement of imports of tomato paste, a food commodity that enjoys a rather rapid annual growth in consumption. Since that time we have approved grants to a number of companies, including several Canadian companies, such as the Primo company in the riding of Essex North, which is obviously a well-known and, to the best of my knowledge, 100 per cent Canadian-owned company.

The program was aimed at the replacement of imports of this commodity. The company in question made an application some time ago. The original application was turned down on a number of grounds, not the least of them being our dissatisfaction with the marketing plan it was able to present to us at the time and the inability of the company to meet the overall criteria of the program, namely, the replacement of imports.

It came back to us with a second application, which I told it I was prepared to entertain, for a subsequent phase of its project. In that applica-



tion we were able to offer it a reduced grant because again, unlike other Canadian companies, such as Primo, it was not able to meet the full criteria of the program.

**Mr. Peterson:** It asked for \$772,000; the government gave it \$28,000, which is admitted by everyone to be peanuts, a mere token, and which does not qualify it for a discount on the price of tomatoes. The minister knows that and I know that. He also knows that for some reason we cannot understand, and that I do not think his colleagues can understand, he is discriminating against this company when it has a proven record and has been struggling valiantly.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** The minister has not been specific. Why has he held up the grant to this company? Why would he not assist it when he is assisting its peers? At least 30 or 35 tomato farmers depend on it. It has a proven record. Surely there is no more reason to hold up on it.

**Hon. Mr. Timbrell:** The fact that the BILD program exists does not mean every company is entitled to a grant. There are specific criteria for this program, specifically the replacement of imports. This company was not able, in its first application, to show an effective marketing plan that would meet the criteria of the program.

The amount of money to which the Leader of the Opposition refers, I believe, is 20 per cent of the total cost of everything this company has done. Representatives of this company sat in my office a year ago and said they were not concerned about the percentage figure. What they were concerned about was gaining access to the preferential pricing granted by the Ontario Vegetable Growers' Marketing Board. They were quite specific in that regard with a number of witnesses in my office.

We have approved a grant for them. My position is that if they are not satisfied, I will be happy to take an order in council to cabinet to rescind it.

**Mr. Swart:** Mr. Speaker, the grant is peanuts. Specifically, what criteria did they not meet? The minister talked about a marketing plan and made some vague references to it. Surely the minister should be able to justify before this House why he refused a substantial grant to them and tell us the major criteria they did not meet.

**Hon. Mr. Timbrell:** Mr. Speaker, it is not unlike another large multinational which was also turned down under this program about three or four months ago. They were simply unable to show how they could reasonably guarantee that

significant amounts of imports would be replaced.

Other companies in question—Primo, for example—had heretofore been importing large amounts of tomato paste to use in their product lines. By constructing this facility, they were able to eliminate the imports and at the same time significantly increase the acreage of tomatoes being grown to replace those imports. This company was not able to do that.

I remind the honourable member that they made a second application. They came to see me, appealing the fact that they were turned down on the first. I said: "All right. I will entertain a second application, but you had better have a better marketing plan." Strictly speaking, they were not able to meet the full criteria, but I gave them the benefit of the doubt, which in hindsight may have been a mistake.

**Mr. Peterson:** It is ridiculous. The minister had Peter Barnard and Associates—I gather in an untendered contract—analyse these various applications. Is he aware that in the course of that investigation Peter Barnard had no contact with the company? His investigation, if he did one, was so superficial that it is no wonder he is not familiar with what they are doing. That is a reality.

For some reason there is discrimination, either by the minister or his officials, against this company. They have a proven record. They have struggled extremely well, given the disadvantage they have had, against many larger companies and foreign multinationals. Is it because the minister thinks they are whiners and complainers? Or does he favour foreign multinationals because they know better what they are doing than the Canadian entrepreneurs?

If the minister investigated the facts himself he would know he is wrong. I am asking him to reconsider all of this and move with dispatch so he does not discriminate against this good Canadian company.

**Hon. Mr. Timbrell:** I have already mentioned that several Canadian companies, notably the one I mentioned before, have been approved under the program. There have also been companies, multinationals or otherwise, large and small, turned down under this program because they could not meet the criteria. There are a number of companies that have begun operations in Ontario in recent years but have not qualified for any of the Agriculture and Food components of the BILD program.

I underline that because the fact that it is a new company does not mean it is automatically



entitled to a grant from the government; it has to meet certain specific criteria. This company was not able to meet them in the first instance. It was only marginally able to show the possibility of meeting them in the second instance. Therefore, they were offered a reduced grant, which was in large part based on their own indication to me, in my very own office a year ago, that the percentage grant was not a factor to them.

**2:40 p.m.**

### DOMED STADIUM

**Mr. Rae:** Mr. Speaker, I have a question for the Premier about the domed stadium. Given the announcement that the Premier made last week, will he commit himself and his government to a full environmental assessment of the construction of the dome, particularly if the dome is to be built out on the water on a new landfill site? Can he give us that commitment?

**Hon. Mr. Davis:** Mr. Speaker, I am not prepared to give that commitment at this point. As I tried to say at the press conference, every potential site has advantages and disadvantages. It is quite obvious that no one would build the stadium on that created land if there was any possibility of an environmental problem. The principles are fairly similar to those at Ontario Place where no environmental concern has since emerged. I think it might be one of those sites where an environmental problem is either there from day one, which they could ascertain, or there is none at all.

I looked at one or two other sites where I felt there might be more need for environmental consideration than at that one. Until the corporation does its assessment and makes its recommendations, I do not want to get into a debate as to whether there will or will not be. One can look at the Woodbine site as another possibility that would need an environmental assessment. I would be hard pressed to understand the reason for it.

In terms of planning and the attitudes of the city of Toronto with respect to the possibility of the Canadian National site, I do not know whether an environmental assessment is needed. I can only assume there would be some discussion about the CN site as to whether it can transfer densities for housing from one part of the total CN holdings to another.

I hope the corporation will move with enthusiasm and some measure of rapidity. As they get closer to this, I will be quite prepared to answer the question at that time. I think we are sort of guessing at things at the moment.

**Mr. Rae:** It is the Premier himself who gave rise to speculation about the lakefill site. I would like to refer the Premier to the Environmental Assessment Act hearing that took place concerning the Colonel Samuel Smith waterfront area, a previous lakefill site about which officials of the Ministry of the Environment stated, "These witnesses were of the opinion that the undertaking as proposed would result in water quality degradation both inside and outside the boat basin."

There is substantial evidence that the lakefill projects that have taken place over the last decade have caused a problem. The Minister of the Environment (Mr. Brandt) indicated in the House when I asked him a question on this that there was some substantial evidence that they have caused a problem with respect to the flow of water, the stagnation of water, the quality of water on the beaches, and with a potential impact—I repeat the words "potential impact"—on the quality of drinking water from Lake Ontario.

Can the Premier at least give us the assurance that a blanket exemption will not be granted to the dome corporation with respect to the construction of this site, because very real questions are raised about the use of the beaches and the alternative uses of the lakefront area on the quality of drinking water?

**Hon. Mr. Davis:** I do not purport to be an expert in this area. In fairness, if one is using the argument of alternative use for that frontage, at least part of the alternative use at this moment is by the Toronto Harbour Commissioners for the anchorage of sailboats; there may be other than sailboats there. I do not think one should be concerned about an alternative use because the use at the moment, if one has to make a choice, is between a facility of this nature and X number of anchorages for boats. In terms of impact on any beach area, the water flow through the western gap would not be altered, as I understand it.

I should also point out to the honourable member that it is not a question of total landfill, per se, as it was with the creation of the spit off the east end. This engineering project would have some landfill, but a good part of it would be the actual pumping out of water and the creation of a facility a good part of which would be below lake level. It is not a question of filling; it is a question of putting up a breakwater and then pumping out the water. My recollection is that somewhere around 50 per cent of the actual stadium would be below lake level. It is not a question of filling up nine or 10 acres with new fill.



**Mr. Peterson:** Mr. Speaker, If the Premier will not give his assurance that there will be a full environmental assessment, may I ask him what his time lines are? I gather he has instructed his colleague to move with dispatch. Why is he in such a hurry that he is not prepared to commit himself to understanding fully all the ramifications of the new site, particularly as to environmental impact? What is his time frame? How fast is he moving on this thing? When does he expect to have the report?

**Hon. Mr. Davis:** Mr. Speaker, I want to clear up any misunderstanding on the part of the Leader of the Opposition. The corporation, of course, will be very concerned about environmental matters. I just pointed out as a layman that it is not a question of landfill for X number of acres, nor is it one of an alternative use. But I did point out what the present use is, and that is that a part of it, at least, is used for the anchorage of boats, some of them behind the breakwater. As a boater, I am sometimes hard pressed to establish priorities, but I would think a facility of this nature might have some degree of priority over X number of yacht moorings.

I can assure the honourable member, with respect to its environmental acceptability, that no one is going to build a stadium of this nature that is not environmentally suitable. My view is that as the work progresses, these concerns can be dealt with; and obviously, if there is a major potential problem, then the corporation will be looking at alternatives.

As far as the time frame is concerned—and I should point this out to the member for York South (Mr. Rae)—while I did make the determination that, rather than have two press conferences, I would announce this latest proposal at the same time, I made it abundantly clear that I do not have a preference out of the five or so that have now been put on the table. I made this clear with respect to Canadian National, and it is also true with respect to the most recent one.

I cannot give the Leader of the Opposition exact time frames. I think that if this facility is to proceed, there is great merit in moving it ahead as expeditiously and as intelligently as possible. I should point out to both leaders of opposition parties that there would be many hundreds of construction jobs available if this facility were to proceed and if at the same time it were perceived that the economics of it make sense to do it sooner rather than later. I cannot tell the time frame because I think there is one major piece of work that needs to be done very carefully, and that is an assessment of the engineering, or

whatever it is, as it relates to the retractability of the roof itself.

My own view, and I expressed this the day the Macaulay committee was appointed, is that it makes sense for a stadium of this nature to have a retractable roof or covering, and this view has been supported by a lot of people who have commented on this issue. I think we all understand we do not have one we can draw upon, and that may take a bit of time to sort out.

**Mr. Rae:** There are some among us who feel that the timing of the dome may have far more to do with the issuing of a writ than with anything else, but I think we should be permitted that kind of scepticism about the government's goodwill in this matter.

**Mr. Speaker:** Question, please.

**Mr. Rae:** In the last number of years the government has presided over the construction of six lakefill projects—from Bluffers Park in Scarborough, which is well known to the Conservative Party, all the way down to Lake Promenade Park next to the Lakeview generating station—none of which have had an environmental assessment hearing and all of which, according to the hearing that was held in the case of the recent one at Colonel Samuel Smith Park in the west end of Metro, have been found to have had an impact on water currents and on water quality.

It is really a question of what the commitment of the government of Ontario is to water quality. What is the problem? If there is such substantial evidence with respect to earlier lakefill sites, as the Minister of the Environment admitted, what possible objection could the Premier have to an environmental hearing with respect to this particular site if this site is chosen and if the government intends to go ahead with it?

What is the problem? Is water quality not important to the government of Ontario?

**2:50 p.m.**

**Hon. Mr. Davis:** I think this really calls for a fairly lengthy answer as to how important water quality is to the government of Ontario. It really gives me the occasion to recite to the leader of the New Democratic Party how much this government has accomplished with respect to water quality.

If one goes back in the history of water quality in this province, one may find it was the government of this province that initiated discussions with the states of the union and that it had a very major role in the execution of the water

quality agreement between Canada and the United States.

If the leader of the third party were somewhat more mature chronologically, he would recall the days when many people said Lake Erie was a dead lake; today you catch fish there. It is fair to state that water quality in Lake Ontario was not sufficient some years ago to envisage the growth of salmon. Some time late this summer, the member may want to go to the salmon hunt. He may think he will get his picture in the paper and it is as relevant as playing the piano. The member may wish to do it to get a photograph taken. I can recall when some people said we would never have fish in the Credit River any more, but we now have fish there.

Our commitment to water quality is not only there as a matter of record; it is an ongoing process. I can assure the member our record with respect to water quality surpasses that of any jurisdiction in North America—on this issue, I would say in the world, without any question whatsoever.

I want to assure the member we cannot make comparisons. I do not object to an environmental assessment. All I am saying to the leader of the New Democratic Party is that he should be patient. I do not even know if this is the site that will be selected. I do draw a distinction between this sort of operation and some of the landfill projects that have gone on. I should point out the one at Leslie Street was a federal undertaking, in any event.

**Mr. Bradley:** Is the member for York South sorry he asked now?

**Mr. Rae:** No, I am not sorry. I was looking for a Gene Whelan imitation and I got it. I am not upset.

#### STOUFFVILLE DUMP

**Mr. Rae:** Mr. Speaker, I would like to ask the Minister of Health a question about the water quality in Whitchurch-Stouffville. The minister will be aware that a very long time ago, Dr. Ronald Lees, the director of the Occupational Health and Safety Resource Centre at Queen's University, was asked to do a study, and did a very particular study on 50 families.

He said that in his view there should be a major study conducted of the residents in that area. He said: "I cannot say that the illness pattern is as it should be. There may be something unusual happening." He went on to say, "Something must be done and done quickly to clarify the situation." He said this on January 12, 1983.

On June 27, 1983, the member for St. Andrew-St. Patrick (Mr. Grossman), who was Minister of Health at that time, wrote a letter to the chairman of the health committee of the Concerned Citizens of Stouffville saying the government was committed to seeing that study go ahead. Since that time, the community has not been contacted. I would like to ask the minister what has happened to the health study in connection with which, over a year and a half ago, the doctor who recommended it said something must "be done and done quickly." What has been done, and has it been done quickly?

**Hon. Mr. Norton:** Mr. Speaker, I am not in a position to respond in detail to the member's question because I cannot say with certainty at what stage the review that was undertaken by my staff in the ministry at the time of the receipt of the report from the team from Queen's University is at the moment. I will, however, undertake to follow up with the staff of my ministry in order to find out.

As I most recently heard of it, I know there were meetings about the study with the medical officer of health in the area. As the member might recall, the study was not actually undertaken by my ministry, but under the auspices of the office of the medical officer of health. I do not know at this point whether specific recommendations have been received from the medical officer of health, but I will check.

**Mr. Rae:** In the same report in January 1983, a year and a half ago, the associate medical officer of health of York region said, "There is every reason to look damned hard at a situation where a landfill site is located over an aquifer." Given this kind of statement from the associate medical officer of health for York region and given the statement by Dr. Lees, I would like to ask the minister what possible justification there can be from him for the delay we have seen.

If something had to "be done and done quickly," why has it apparently taken a year and a half, according to what the minister has said or not said today—and it is not clear what he has said or has not said—to get this study off the ground? We know the study is going to take some time to complete. Why has it taken so damned long to get started?

**Hon. Mr. Norton:** I shall try to use more restrained and parliamentary language in my response to the member. I have, in the course of listening to the subsequent question, located some updated information in my material. I



would be quite happy to share it with the honourable member.

At a more recent stage the proposal has reached following the receipt of the original report, it was requested that a formal study proposal be submitted to the health unit and in turn to the Ministry of Health for consideration for funding and for peer review, as is the normal course of action in reviewing research proposals in the ministry. That proposal has been received and was sent for review to outside reviewers at, among other places, McGill University and the University of Western Ontario, so it has been progressing.

I do not know whether the responses and recommendations for the next phase of that study have been received from the external reviewers.

**Ms. Copps:** Mr. Speaker, we know the study has been stalled, but even when it goes through, how does the minister expect his government to have any credibility on this issue when a similar study of the Upper Ottawa Street dump in Hamilton-Wentworth was totally ignored by the government?

**Hon. Mr. Norton:** Mr. Speaker, I do not believe that is the case and I think the citizens of both Hamilton and Stouffville will demonstrate that is not their perception of the behaviour of this government.

**Mr. Rae:** What the minister has just told us needs a translation.

Over a year and a half ago, a study of 50 people was completed; it was of sufficient concern to the person making the study that he said something had to be done, and done quickly, to clarify the situation. A year and a half later, we are listening to a minister first saying he did not know anything about it, then consulting his notes and saying the proposal has been received and gone out for peer review. It has taken this government a year and a half; 18 long months have passed and this government has done boo-all to give assurance to the local residents that something is going to be done.

**Mr. Speaker:** Question, please.

**Mr. Rae:** I would like to ask the minister the reason for the delay. Why has he taken so long to complete and get something on the road that should have been started many months ago?

**Hon. Mr. Norton:** There are times when I think it might be helpful for the leader of the third party to take at least a crash course in scientific procedure, or if not that, then at least to consult someone knowledgeable in the field and get some advice. There was a time when he might

have had one such person in his own caucus to advise him. I do not suppose he has today.

The fact of the matter is that ensuring appropriate scientific and investigative procedures are followed does require the involvement of recognized experts in the field of scientific research. That is why the process of peer review is used in all research funded by the Ministry of Health.

**Mr. Rae:** It has been a year and a half.

**Hon. Mr. Norton:** It has not been a year and half, it has taken only a matter of a few months. The proposal was not received until the end of last year and the proposal is different from the initial report to which the member referred in his initial question.

A report was received on the preliminary study. Subsequent to that, a proposal for further research was received. Having been received around the end of last year, that was sent out for peer review. That is not doing "boo-all," as I recall the member having said a few moments ago. Progress has been made.

As soon as I can get that information, I shall undertake to bring the member fully up to date on exactly where it is.

3 p.m.

#### EXTRA BILLING

**Mr. Mancini:** Mr. Speaker, once again you can see why we need television coverage here in the House under the auspices of the Speaker. We have 26 minutes left in the question period and our friends in the electronic media have already decided to leave.

**Mr. Martel:** The Premier left and everyone went with him, like every day.

**Mr. Speaker:** Now to the question.

Interjections.

**Mr. Mancini:** Our friends in the print media are still here, that is correct.

[Applause]

**Mr. Wildman:** Watch it. That will scare them out.

**Mr. Mancini:** Mr. Speaker, I have a question for the Minister of Health. The minister will no doubt be aware that during his illness in the fall the acting Minister of Health, the Minister of Intergovernmental Affairs (Mr. Wells), in an exchange regarding informing patients who used our health services of extra billing, said, "The college takes a very dim view and has alerted doctors by letter that this business of trying to inform patients two minutes before they go into an operating room is not acceptable." Despite the

view of the College of Physicians and Surgeons that the practice is not acceptable, it still continues across the province.

I have received a letter from a constituent as follows: "I really resented Dr. L. W. Hersey, as he approached me as I was being taken into the operating room and informed me that I would have to pay him as he was off OHIP. That made me angry as he had the opportunity to come to my room and to approach me there or speak to my husband."

**Mr. Speaker:** Question, please.

**Mr. Mancini:** Surely the minister finds this practice completely unacceptable. What is he going to do in a very serious way to prevent this from happening again?

**Hon. Mr. Norton:** Mr. Speaker, I believe the member knows from earlier discussions on the subject there is a procedure in place for dealing with matters such as that and it is working.

**Ms. Copps:** It is not working.

**Hon. Mr. Norton:** The member for Hamilton Centre (Ms. Copps) is still recovering from the weekend. She is not hearing very well.

The fact is that in almost all such cases the matters are resolved to the satisfaction of both parties if they are brought to the attention of the Ontario Medical Association. If the member wants to give me the information, I will see that it gets to the medical association for appropriate resolution.

**Mr. Mancini:** The assurances we have received from the minister are ones we have heard before. What we have here is a senior citizen who is being wheeled into the operating room for an operation being approached by her doctor, the anaesthesiologist, and told she will have to pay extra.

**Mr. Speaker:** Now for the question.

**Mr. Mancini:** Surely the minister will agree with me that it is time for the province to end the practice of extra billing and to assure our senior citizens and others they will be treated in a very humane fashion when they need the medical services the province and the doctors have to offer.

**Hon. Mr. Norton:** If the facts of the case are as described by the member, namely, first, if the individual involved is a senior citizen and, second, if the notice occurred just prior to entering the operating theatre for surgery, then I have no doubt the matter can be resolved very quickly.

The point I do not understand is this. If the member is saying the system is not working, then

of course it is not going to work if he does not advise his constituent to use the appropriate mechanism that has already been set up. If he had suggested that his constituent immediately forward the complaint to me or to the Ontario Medical Association, perhaps it could have been resolved by now.

I do not approve of that kind of thing. I think it is unconscionable that any physician would wait until that point in the course of treatment of a patient to notify the patient. By the same token, it is not helping the system to work by withholding that information from me only to use it in a question period as opposed to trying to help the constituent.

**Mr. Rae:** Mr. Speaker, I wonder whether the minister could tell me what advice he would give to a parent who, upon taking a child who had been prepared for some time for a day operation at the Hospital for Sick Children—such that the child had no food overnight because of orders in terms of what the operation would entail, namely, that the child would receive a general anaesthetic that day—received a standard form not from the hospital but from the consulting firm that covers all the anaesthetists together, informing that parent of an extra charge.

What advice would the minister give to that parent? Would he advise the parent to cancel the operation that day? Would he advise the parent to engage in a dispute with the anaesthetist just as the child was about to go in for the operation? Would he suggest the parent have a dispute in the small claims court months down the road? I would like to hear from the minister what advice he would give the parent in that situation.

**Mr. Eakins:** In 30 seconds or less.

**Hon. Mr. Norton:** Is the member going to time me?

Mr. Speaker, I do not think it appropriate that I start giving advice in every situation, whether it be hypothetical or otherwise. I do not know whether this is a hypothetical situation.

**Mr. Rae:** Mr. Speaker, on a point of order. This is not a hypothetical situation. It happened to me last week.

**Hon. Mr. Norton:** In that case, I am sure the honourable member does not need my advice. I am sure he is quite capable of making that kind of determination himself. I know very well what I would do in that situation, but if I were to say that, it would not be necessarily by way of advice to everyone else. There are times when individuals have to make those decisions themselves. Once again, if the information was communicat



ed as he described it, after a general anaesthetic had been administered to the child—

**Mr. Rae:** Just before.

**Hon. Mr. Norton:** Just before. I thought he said it was after his child received a general anaesthetic. In that situation, the member is in a position where he can make that decision without any advice from me. I do not think he needs to stand here in the House—I doubt he would accept my advice even if it were as sound as I believe it to be.

### PARAMEDIC PROGRAM

**Mr. Cooke:** Mr. Speaker, I have a question for the Minister of Health. I hope he will attempt to answer this one. The minister will probably be aware that the 1982 throne speech promised, "We will be developing special advanced training programs for ambulance personnel and begin the establishment of a province-wide program of utilization of these services."

Two years after the throne speech and nine years after the Ministry of Health discussion paper on emergency services and primary care, which said 2,000 patients could have been saved if paramedics had been available, we still have only a pilot program.

Last week the Canadian Association of Emergency Physicians issued a press release, which stated in part, "It is incredible to think that, depending on where you might be, what city, what part of a city and when, your life may or may not be saved if you collapse depending on whether paramedics are in place."

With all the evidence from the Ministry of Health's own paper of the mid-1970s, the promise made in the throne speech and the programs that have been in place in the United States for years, why are we operating with only a pilot project with paramedics? Why do we not go gung-ho and get these programs in place across the province and make an ongoing commitment to train ambulance personnel so that we can have paramedics not only in Toronto, Hamilton and a few select areas but across Ontario?

**Hon. Mr. Norton:** Mr. Speaker, if the honourable member had been attentive at the time of the announcement by my predecessor at the introduction of the pilot projects in Hamilton and Toronto, he would have understood that the purpose of the pilot projects was directed primarily to the development of what we hope and believe will be the best and most advanced training system for paramedics in any jurisdiction.

**3:10 p.m.**

The time lapse between the announcement in the speech from the throne in the spring of 1982—I do not recall the specific date, but obviously the member has it from his research—and the announcement a year ago by the Treasurer (Mr. Grossman) was largely due to the necessary preliminary work that had to go into the development of the program, for example, the development of the training program, which is not being done, wisely so, entirely within the ministry. It was developed after extensive consultation and review of the experience of other jurisdictions in the training and putting into the field of paramedics. A great deal of necessary preliminary work had to be done.

We are now in the phasing-in period of that program. We are monitoring our training program carefully, which, as I said, we believe to be the best available. We will try to make sure it is. I caution the member, as I have before in this House, that he not assume that any one component of the emergency health system in this province is in itself—

**Mr. Speaker:** Thank you, minister.

**Mr. Cooke:** The people we talked to when we went to Sunnybrook Medical Centre a couple of weeks ago indicated there is no need for a pilot project—

**Mr. Speaker:** Question, please.

**Mr. Cooke:** —and that the program has proved itself and needs to be extended rapidly.

Is the minister indicating there will be ongoing money past March 1985 to continue the training of ambulance drivers so that they will be upgraded to paramedics? Is he saying this program is going to be expanded right across the province? Is he prepared today to say it is no longer a pilot project, but is an ongoing program of training with the goal of having paramedic services right across the province?

**Hon. Mr. Norton:** I think it is clear that the programs currently under way in Hamilton and Toronto are pilot projects for the reasons I indicated in the response to the first question the honourable member asked.

I believe it is also clear from what I have said and from what my predecessors have said that it is the intention of the government to proceed with the development of emergency health services across the province. The model being advanced by us is a three-tiered-response model. It is one that does not depend solely on the use of paramedics or solely on the use of trauma units in hospitals. It is a complex system that we believe

will result in the finest emergency health service to the people of Ontario that can be developed.

By the same token, it must be approached carefully and methodically in its development and not by some shotgun method. I do not mean to create any further controversy with the member or the people he consults, but I do not particularly care who suggests that what we should be doing at the moment is running with paramedics and forgetting about the other important components. The system must be developed methodically. There are a number of important steps that can be taken by each—

**Mr. Speaker:** Thank you, minister.

**Ms. Copps:** Mr. Speaker, notwithstanding all the bugs that have to be worked out of the system, does the minister at least have a target date, as John Kennedy had a target to get a man on the moon, for the full implementation of emergency medical care, attendant 3 paramedics across Ontario?

**Hon. Mr. Norton:** Mr. Speaker, obviously, any target for the completion of the development of a system as expensive as an emergency health system across this large province is something that will depend on a number of things, not the least of which is the rate at which we can train the personnel and get the physical and other resources in place and the availability of financial resources. I would not want to establish an arbitrary target. I can only say we plan to proceed with as great efficiency as possible.

#### ELECTRICAL WORKERS' DISPUTE

**Mr. Hennessy:** Mr. Speaker, I would like to direct my question to the Minister of Labour. Local 1788 of the International Brotherhood of Electrical Workers, Local 402 and other workers have been locked out at the Atikokan Hydro plant by Ontario Hydro and have been unable to negotiate for the past five weeks. Will the minister use his good offices to get Ontario Hydro and the unions together at the bargaining table as soon as possible?

**Hon. Mr. Ramsay:** Mr. Speaker, circumstances have not changed in this dispute. The two parties are polarized in their positions. We have brought a very able and highly respected mediator out of early retirement in the person of Mr. Mancini to mediate this. Incidentally, for the record, that is not the member for Essex South (Mr. Mancini).

At the moment, we require both parties to indicate that they wish to negotiate before we can do anything.

**Mr. Hennessy:** The minister has mentioned the parties are at loggerheads. I fail to see this. I had the union representatives in my office and they are more than willing to sit down and negotiate. They accuse Hydro of locking out the union.

**Mr. Speaker:** Question, please.

**Mr. Hennessy:** Will the minister intervene in this matter, please?

**Hon. Mr. Ramsay:** I think we are taking the necessary steps of intervention when we have a mediator in constant consultation on a daily basis with the parties to see if he can get them together. Until one or the other party changes its position, I am afraid it is very difficult to mediate the dispute.

**Mr. T. P. Reid:** Mr. Speaker, is the minister aware that the bone of contention seems to be the living expenses for Hydro workers and construction people? Is he aware that apparently Hydro and the government have settled with the Canadian Union of Public Employees to provide living expenses for people who have to work outside their home towns? Having made an agreement with one union, Hydro apparently will not make an agreement with the Hydro electrical workers' union for the same thing. Does the minister not think that is unfair, inequitable and stupid in view of the fact that programs are being delayed?

**Hon. Mr. Ramsay:** Mr. Speaker, I do not understand it that way at all. My understanding is that Hydro has offered to the electricians the same kind of agreement it has offered to other construction trades. The electricians are not prepared to accept the offer that has been accepted by the other construction trades. It is not a case of two different unions. It is a case of the construction trades.

#### HYDRO RATES

**Ms. Copps:** Mr. Speaker, I have a question for the Minister of Energy. I would like to know whether the minister agrees with the Ontario Hydro guidelines regarding residential rates across Ontario.

**Hon. Mr. Andrewes:** Mr. Speaker, I am pleased to be able to provide the honourable member with some information. She has given me notice of this question. I am glad I am not her target today. The Minister of Health (Mr. Norton) will continue to be her target.

In response to the member's question, I would have to acknowledge there are indeed residential guidelines for credit collection. I am assuming



that is what she is referring to. These guidelines were reviewed most recently in 1978. There was a consensus reached among Ontario Hydro, its member utilities and the electrical and natural gas utilities of the province. Although those guidelines within the framework of the local area operations do have some flexibility, they are generally followed by most municipal utilities.

**Ms. Copps:** I am frankly shocked that in a government supposedly committed to five per cent annual increases the Minister of Energy would agree with a residential rate that would allow a late payment charge of five per cent on a monthly bill. Does the minister not feel a yearly potential late payment charge, which is only one point short of a violation of the Criminal Code, is excessive?

This government, which alleges to be committed to five per cent increases on an annual basis, should not be party to approving this kind of ripoff of the taxpayers of Ontario and absolute gouging not only by Ontario Hydro but also by utilities such as Hamilton Hydro in my own community.

3:20 p.m.

**Hon. Mr. Andrewes:** I want the member clearly to understand that the late payment charge of five per cent is a one-time charge. It is not compounded monthly as are most overdue accounts. As I understand it, the account to which the member was referring was a two-month account of some \$60, and the five per cent charge is imposed for late payment to offset the cost of collecting those accounts. A \$3 charge in today's administrative cycle—it would not be a 12-month account; it would require six payments yearly—would potentially mean \$18 per year if the member's constituent continued to fail to pay the account.

I can only reiterate that the charge is made to reflect the cost of handling overdue accounts and was developed after fairly close consultation with a number of utilities.

#### STOUFFVILLE DUMP

**Mr. Charlton:** Mr. Speaker, I would like to go back to the earlier questions on the Stouffville dump. Is the minister aware that the agreement reached a year and a half ago to extend the life of the Stouffville site and the resulting provisional certificate of approval contain the development of closure plans for that site? The closure plans are all based on contouring and capping that site.

**Mr. Speaker:** Question, please.

**Mr. Charlton:** The report that was released recently indicated polychlorinated biphenyls are

escaping from the site. Those PCBs are escaping from lagoon number five, which is already contoured and capped. Is the minister aware the whole direction of security for that site is now indicated to be inadequate? What is he prepared to do to start having a new look at how we have to deal with that site in the future?

**Hon. Mr. Brandt:** Mr. Speaker, some of the questions raised by the honourable member are somewhat premature. The hydrogeological studies on the site are not completed. The company does have some requirement to have those completed by this fall. Once the scientific studies are completed, I assure the member that he will have the evidence to indicate what further steps we have to take.

In the fall of this year, if the company does not comply with the requirements of my ministry, it will have to put up a very substantial bond to ascertain the future viability of that site from a safety standpoint, and we are going to take all necessary steps and all necessary precautions.

#### RESPONSE TO QUESTIONS

**Mr. Wildman:** Mr. Speaker, on a point of order: Again, I rise under standing order 81 on the issue of the approach of the Treasury benches to answering questions in Orders and Notices. I specifically draw your attention to questions 236 through 247, which I tabled on March 27, requesting information from the Ministry of Labour.

After an interim answer, it took the ministry two months to respond. Specifically, questions 242 through 247 requested a list of all companies subject to each of the designated substances regulations under the Occupational Health and Safety Act, and the minister's replies did not provide that information. Also, the minister did not provide a list of the unions involved, as was requested in my written question.

In answers to questions 236 through 241, the information had obviously been logged by the ministry's legal department; so the question arises, why did it take two months to provide that information to us?

If I were cynical, I might come to the conclusion that the material provided was designed more to obscure than to inform. It did not clearly delineate the information asked for and did not distinguish between a number of things we asked for, such as accidents and non-accidents, unionized and unorganized work places.

Mr. Speaker, I ask for your direction. How are we as a Legislature, and as members of the

Legislature, to have some kind of control over the way ministers of the crown respond to written questions in Orders and Notices?

We have had situations in the past, and they continue with the Minister of Natural Resources (Mr. Pope), where ministers refuse to answer at all, even with interim answers. Now we have a situation where the Minister of Labour (Mr. Ramsay) has responded but has not answered the questions that were asked.

**Mr. Speaker:** I think you have already done it.

## PETITIONS

### INDEPENDENT SCHOOLS

**Mr. Kolyn:** Mr. Speaker, on behalf of the member representing the constituency of Cambridge (Mr. Barlow), I table the following petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to appeal to petition the parliament of Ontario as follows:

"The supporters of Rockway Mennonite Collegiate cannot accept the fact that the government of Ontario can boost its support for Catholic and Franco-Ontarian schools while continuing to neglect to support other educational communities.

"In a democratic, multicultural society, choice in education should not provide some schools of choice funding while denying the same rights to others. In at least five Canadian provinces, independent schools are recognized as providing a public service and they receive various forms of financial grants. In Ontario, legislators act as if the 80,000 children in independent schools do not exist.

"Parents and supporters pay the total cost for their education while also paying taxes at the same level as everyone else for public schools they do not use. In fact, in the past five years, parents of children in independent schools have contributed \$1 billion to educate other people's children in Ontario.

"When will their children receive some benefit from public education tax dollars? When will this government accept its responsibility to recognize the value of these schools and provide support for them as it does for Franco-Ontarian and Catholic schools? When will this denigrating blot be removed from our democratic, multicultural province?"

### FAMILY BENEFITS ASSISTANCE

**Mr. Kolyn:** Mr. Speaker, I wish to table a petition from 14 residents of Ontario concerning

the interpretation by the Minister of Community and Social Services (Mr. Drea) of regulation 424/82 under the Family Benefits Act; it is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

### SALE OF BEER AND WINE

**Mr. Boudria:** Mr. Speaker, I knew you were probably wondering why I had not tabled a petition in two days; so here I am.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the government and the Legislative Assembly to support the private member's bill of Don Boudria, MPP, to permit the sale of beer and Ontario wine in small, independent grocery stores.

"Pétition adressée au Lieutenant-gouverneur en Conseil et à l'Assemblée législative de l'Ontario:

"Nous, soussignés, par la présente pétition demandons à l'Assemblée législative et au gouvernement d'appuyer les projets de loi du député Don Boudria qui permettraient aux petites épiceries indépendantes de vendre de la bière et du vin ontarien."

Mr. Speaker, these petitions are signed by 500 people, bringing the grand total to 11,577 people.

## INTRODUCTION OF BILLS

### RESOURCES DEVELOPMENT STATUTE LAW AMENDMENT ACT

Hon. Mr. Sterling moved, seconded by Hon. Mr. Elgie, first reading of Bill 106, An Act to amend Certain Statutes in the Resources Development Policy Field.

Motion agreed to.

3:30 p.m.

### HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. McMurtry moved, seconded by Hon. Mr. Wells, first reading of Bill 107, An Act to amend the Highway Traffic Act.

Motion agreed to.

### PROVINCIAL OFFENCES AMENDMENT ACT

Hon. Mr. McMurtry moved, seconded by Hon. Mr. Wells, first reading of Bill 108, An Act to amend the Provincial Offences Act.

Motion agreed to.



## SECURITIES AMENDMENT ACT

Hon. Mr. Elgie moved, seconded by Hon. Mr. Gregory, first reading of Bill 109, An Act to amend the Securities Act.

Motion agreed to.

**Hon. Mr. Elgie:** Mr. Speaker, today I am introducing for first reading amendments to the Securities Act that extend the act to Her Majesty in the right of Canada, Ontario and other provinces and the territories as well as to the agents and servants of Her Majesty in each of these jurisdictions.

What this means is that crown corporations will be required to abide by the Securities Act like any other investor trading in Ontario's capital markets, including the Toronto Stock Exchange.

The act makes the crown, its agents and servants immediately subject to the same rules of the marketplace as are private investors who participate in Ontario's capital market for publicly traded securities.

However, crown agencies will continue to have certain exemptions under the act, including the ability of government to sell securities without complying with registration or prospectus requirements.

[Later]

**Mr. Boudria:** Mr. Speaker, on a point of order: Pursuant to standing order 32(c), I think it is the standing order of this Legislature that bills have to be introduced and a compendium shall be supplied to the respective critics of the opposition parties. I am sure it is only an inadvertence, but the Securities Amendment Act does not have such a compendium.

**Mr. Speaker:** I am sure the minister will provide one.

**Hon. Mr. Elgie:** I will make sure. It was tabled last year, and I will be glad to table it again. Perhaps it will add to the honourable member's library.

## TECHNOLOGICAL CHANGE ACT

Mr. Cassidy moved, seconded by Mr. Foulds, first reading of Bill 110, An Act respecting Technological Change in the Work Place.

Mr. Cassidy a proposé, supporté par M. Foulds, la première lecture du Projet de loi 110, Une loi concernant les changements technologiques au lieu du travail.

Motion agreed to.

**Mr. Kolyn:** This must be one of the honourable member's last bills.

**Mr. Cassidy:** Mr. Speaker, my friend is suggesting that this may be my swan song in politics. I would suggest that this bill would be as effective federally as it would be provincially, and I certainly hope to take it to Parliament in a very short time.

This bill was developed last year and was first introduced last December after an extensive process of consultation with people within the New Democratic Party, with experts in the area of technological change and with people in the labour movement and in business. On further reflection, the contents of the bill were closely studied during the work of the NDP caucus task force on work, people and technological change.

Our task force confirmed the need for this kind of legislation in view of the risk of rapid job loss because of the impact of technological change in Ontario. The fact that we may be facing an increase in unemployment to above the 20 per cent level because of new technologies between now and the beginning of the next decade indicates, in our view, the need for action to protect workers and to provide for economic democracy in the work place.

The bill itself provides for advance notice of 180 days of the introduction of new technology; an opportunity for workers to discuss changes that are proposed for their work place; an opportunity for workers to participate in adjustment measures; full sharing of information by employers with their workers as a means of ensuring economic democracy in the work place; the right of both organized and unorganized workers to form joint technological change committees; the right of organized workers to negotiate technological change and to strike if necessary, and a strengthening of those rights of workers by means of access to the Ontario Labour Relations Board. The bill provides for a minimum of one week's severance pay for every year of service.

It is at least a first start in terms of what is needed to be done in Ontario. In our view, it is unfortunate that the Conservative government has given us only a budget entitled Economic Transformation and a committee studying the subject, but not any of the necessary legislation. This legislation is required. Otherwise, we will have a clear recipe for both social distress and economic weakness if we do not act now.

## TRIBUTE TO ALEX BAUMANN

**Mr. Foulds:** Mr. Speaker, on a point of privilege: I am astounded that no member of the government saw fit to rise at the beginning of the

proceedings today to pay tribute to perhaps Canada's finest athlete, Alex Baumann, who over the weekend set a world record for the 400 individual medley. It augurs well for Mr. Baumann's chances at the Olympics and it augurs well for Canada's swim team in those Olympics. As a person who has some small interest in swimming as a sport, I am astounded that a tribute has not been paid today to this fine athlete.

3:40 p.m.

## ORDERS OF THE DAY

House in committee of the whole.

### FINANCIAL ADMINISTRATION AMENDMENT ACT

Consideration of Bill 88, An Act to amend the Financial Administration Act.

Sections 1 to 10, inclusive, agreed to.

On section 11:

**Mr. Foulds:** Mr. Chairman, I understand the desire of the Treasury to have section 10 of the Public Officers Act repealed, which is what section 11 of the bill currently before us will do. However, I have some reservations about this.

I fully understand that public officers have not had to file a security in the province since 1969. However, as I read the Public Officers Act, which is administered by the Attorney General's ministry, it would appear that under sections 7 and 8, the Lieutenant Governor in Council may still at some future time require securities to be filed by public officers. If that is the case, I suggest the reporting mechanism, section 10 of the original act, should remain and section 11 of the bill before us should be dropped from the legislation.

It is my understanding that the Treasurer has made the commitment that he would rather withdraw the section and file the piece of paper each year than allow a simple housekeeping amendment to take up further time in the House. I wonder if I could have a response from the parliamentary assistant.

**The Acting Chairman (Mr. Treleaven):** Before the parliamentary assistant replies, may I read a document? It is the decision of the chair regarding the proposal of the member for Port Arthur:

"On Tuesday, June 12, the member for Rainy River (Mr. T. P. Reid) and the member for Port Arthur (Mr. Foulds) raised the question of whether section 11 of Bill 88, An Act to amend the Financial Administration Act, is in order.

Section 11 of the bill proposes to repeal section 10 of the Public Officers Act. I have reviewed the bill and section 10 of the Public Officers Act, as well as the parliamentary law text. Beauchesne's fifth edition states:

'Although there is no specific set of rules or guidelines governing the content of a bill, there should be a theme of relevancy amongst the contents of a bill. They must be relevant to and subject to the umbrella which is raised by the terminology of the long title of the bill. The long title sets out in general terms the purposes of the bill. It should cover everything in the bill.'

"I find there is no 'theme of relevancy' between section 11 of the bill, which amends the Public Officers Act, and the other sections of the bill, which amend the Financial Administration Act. Section 11 of the bill is not complementary to the rest of the bill and I therefore find the section to be out of order and I ask the parliamentary assistant to move the deletion of the section."

**Mr. Stevenson:** That ends the discussion on that section. We are willing to do that.

**The Acting Chairman:** Mr. Stevenson moves that section 11 of the bill be deleted and that sections 12 and 13 be respectively renumbered as sections 11 and 12.

Is there any discussion on the motion of the parliamentary assistant?

**Mr. Foulds:** Mr. Chairman, we will not take this withdrawal by the parliamentary assistant as a matter of confidence. We can assure the House that we will be voting for the deletion and we will not require the resignation of the Treasurer (Mr. Grossman) over this inappropriate action on his part.

Motion agreed to.

Sections 11 and 12, as renumbered, agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Wells, the committee of the whole House reported one bill with a certain amendment.

### ONTARIO LOAN ACT (concluded)

Resuming the adjourned debate on the motion for second reading of Bill 74, An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund.

**Hon. Mr. Grossman:** Mr. Speaker, I should like to answer the items that the opposition Treasury critics in particular have raised. The member for Rainy River (Mr. T. P. Reid) asked when repayment to the Canada pension plan and



the teachers' superannuation fund will commence.

Repayments to CPP commence the next fiscal year in the amount of about \$20 million, and to TSF in 1987-88 for one year followed by no years of repayment, just because of the way the money was borrowed.

The member requested what he called a guesstimate of the interest rate cost of refinancing the Treasury bill issues over the last year. The best way to answer that question is to refer to our most recent auctions of Treasury bills which have been in the 11.6 per cent range for a few weeks.

The member indicated that under cumulative net borrowing for Ontario Hydro, the budget papers themselves showed it was not available for 1984-85 and he therefore suggested, facetiously I know, that we were obscuring the Hydro debt.

**Mr. T. P. Reid:** I do not think I said that.

**Hon. Mr. Grossman:** He did say that, but in any event I should point out that the first item that is listed "not available" lies beside the listing of Ontario's borrowings in the United States on behalf of Hydro. This is not a forecast in the budget as it relates to Hydro's operations. It is determined accordingly during the course of the year as market conditions develop.

**3:50 p.m.**

The second "not available" listing in the budget refers to all contingent liabilities, not just Ontario Hydro's. When we have agencies such as the Ontario development corporations issuing guarantees, it is not possible for us to forecast at this time what these other guarantees will amount to during the year; so we must put in "not available" at this stage.

The member for Port Arthur (Mr. Foulds) indicated that Ontario had a provincial debt of \$1.9 billion in 1975 and that this had risen to \$24.5 billion this year. I believe the honourable member inadvertently picked the wrong number from 1975-76; \$1.9 billion was the publicly held debt then outstanding, I know that for fair comparative purposes he would want the record to show that the total debt was \$9.8 billion in 1975-76, rising to \$24.5 billion. If that were broken out and translated into constant dollars, it would be quite a different proposition.

Finally, the member for Rainy River introduced an amendment to reduce the Ontario Loan Act amount from \$2.6 billion to \$2.1 billion to approximate fiscal 1984-85's net cash requirements. The reasons for adopting the 18-month duration of the loan act go back to the time it was

first started in 1979. The extension at that time was adopted to cover the event of any delay in the passage of the subsequent year's loan act and to ensure there would be sufficient authority to cover borrowing requirements until the next act was passed.

Each year there is a built-in delay of up to three months, because the fiscal year begins April 1 and the loan act is usually passed, as is the case now, some time in June. Having worked here for some years, we all know that although June passage is the experience, House business could conceivably delay the schedule. That becomes quite important, since Canada pension plan funds play such a major role in our financing plans. Therefore, it is important to have the six-month extension to allow sufficient provision for the drawing down of those funds when they are available and offered, else we miss our opportunity and they are lent elsewhere.

That reviews the new and different items raised by my friends opposite on the loan act itself. Accordingly, I urge all members to defeat the modest amendment.

**Mr. T. P. Reid:** How does the Treasurer define "deficit"?

**Hon. Mr. Grossman:** Before I conclude, the member for Rainy River was trying to get an answer to the question of net debt. Net debt, as we calculate it, represents the net result of accumulated deficits and surpluses since Confederation. That is the way business would do it. It equals the difference between the assets and liabilities on the province's balance sheets. That would be how one would define it. I know the honourable member will find that edifying in the days to come.

**The Acting Speaker (Mr. Cousens):** All those in favour of the motion for second reading of Bill 74 will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for third reading.

#### INTERIM SUPPLY

Hon. Mr. Grossman moved, seconded by Hon. Mr. Wells, resolution 6:

That the Treasurer of Ontario be authorized to pay the salaries of civil servants and other necessary payments pending the voting of supply for the period commencing July 1, 1984, and ending October 31, 1984, such payments to be charged to the proper appropriation following the voting of supply.

**Hon. Mr. Grossman:** Mr. Speaker, last March, when I was proposing the previous motion of interim supply, the opposition members suggested it might be appropriate for me to make a short statement setting out the need for the supply motion, the amounts of money that would be required and a brief outline of the state of the economy and our finances. Responsive as always to opposition requests and suggestions, we have done that in a brief way this afternoon.

As members will of course all be aware, spending authority other than for payments authorized by a specific statute is granted to the government by the Legislature by debate on concurrences in estimates followed by the Supply Act. Since the Supply Act is not generally passed until late in the fiscal year, interim authority for government expenditure is sought by a motion of interim supply. Until the mid-1970s, the motion covered the full fiscal year, and since that time House rules have limited the period to no more than six months.

The first interim supply motion for this fiscal year covered April 1 to June 30, 1984. The motion I am introducing today covers the period July 1 to October 31, 1984. Taking into consideration the expenditure estimates of some \$2 billion already debated, I would estimate the amounts of money required for this period to be approximately \$8 billion.

The current state of the economy and the outlook for 1984 have not changed significantly since the May 15 budget. Indicators of current economic activity suggest that the expansion of the economy is continuing. Employment increased again in May, rising by 11,000 jobs. Ontario employment is currently higher than it has ever been. Manufacturing shipments in the first quarter of 1984 are 24.9 per cent higher than in the same period a year ago; retail sales are 10.7 per cent higher than in the same period a year earlier.

For 1984 the Ontario economy is forecast to expand by 4.7 per cent in real terms. Strong export growth, particularly to the United States, will continue to be a major contributor to the expansion. Increased consumer spending will provide significant additional impetus.

Although machinery and equipment investment has been growing in real terms, overall business investment growth continues to lag the expansion. Nevertheless, there are some bright spots in the investment outlook. Corporate balance sheets are strengthened and capacity utilization rates have risen. The real growth in machinery and equipment investment is expected

to continue. As well, the three recently announced auto sector investments, totalling over \$1 billion, are of course an encouraging indicator that the investment outlook is improving.

The province's general fiscal situation is improving in line with our expectations reported in the May 15 budget. A detailed financial picture will be available in late July with the publication of the first quarter Ontario Finances, but I can report at this time on the first two months of this fiscal year.

The revenue picture is currently holding to our budget forecast of \$24.8 billion, and we still expect it to continue through the year. Expenditures, however, are expected to increase by \$11 million this fiscal year because of the commencement of construction on the new American Motors auto plant announced by the Premier (Mr. Davis) earlier this month. This investment is part of a \$60-million, five-year commitment that will be recouped in future years.

There is nothing further to add at this time, this motion for interim supply following so relatively shortly after the lengthy presentation in the budget itself on our economic and fiscal circumstances.

**4 p.m.**

**Mr. T. P. Reid:** Mr. Speaker, I rise to speak on the motion. As the Treasurer has pointed out, we have had the budget, we have had the Ontario Loan Act and perhaps we have covered a great deal of some of these matters. However, there is a matter that has been concerning me for some time. I could not help but be spurred on to say a few well-chosen words in view of the Treasurer's approach to the bills we just discussed, this resolution and the complete and utter lack of enthusiasm and approach in the House.

I am going to speak about the process of approving the estimates and the amount of money we vote here in the Legislature for the needs of the province each and every year. If I may, I want to spend about three minutes saying that in my view the whole system in this Legislature is falling apart. It has been my view for some years that there is not very much accountability on the part of the government for the expenditures it makes.

That is partly the fault of the opposition. There is no doubt about that. Instead of asking questions about money, we tend to go off in all kinds of different policy directions or talk about constituency or parochial problems rather than dealing with the finances of the province. Of course, cabinet ministers have learned very well



how to waste time in estimates themselves by reading a two- or three-hour report on their ministries in which they tell us all the great things they have done.

Here we are in the House where there may be a quorum. We dealt with the Ontario Loan Act for a couple of nights. There was a corporal's guard at best in here and little interest was shown by the Treasurer or this side of the House in this particular matter.

If I may be philosophical about it, part of the problem is that too much power has flowed into the hands of the executive, particularly the Premier. A fellow came up to me after the Premier's announcement about extending aid to separate schools. He was all in a flap and said: "There is no accountability in this process. How is the public or interested parties going to have any input into this process?" I said to that particular fellow, a close observer of this place, "That problem has been with us for ages."

It may be just a natural extension of the way the economy and Ontario have grown. But even though we have the procedural affairs committee and other committees looking at it, this Legislature has not kept up.

Let me talk about accountability. I will use three examples.

The Premier and some of his cronies—very few of them on the government benches—decided to buy a quarter interest in an oil company at an expenditure of a paltry \$650 million. There was no real discussion of that matter in this House. There certainly was very little information other than the Premier announcing it.

The Premier and the Attorney General (Mr. McMurtry) went to Ottawa and played the constitutional game. The Premier threw his constitutional chip on the table. This Legislature had never discussed any of the matters relating to that or what Ontario's position would be. Perhaps it was not possible that those matters be discussed fully in this chamber. Regardless of the reason, it was not discussed either before or, probably worse, after the fact.

The third matter that comes to mind is the Premier's announcement last week of extending aid to separate schools. I have no particular quarrel with that. I was among those who 13 years ago suggested it was only just that it be done. It is interesting that the Premier in his comments said: "I have decided. I have changed my mind." It was not "we," it was not "the government"; I found the interesting thing in those remarks was that it was "I."

I am standing here to express my frustration with the way the system does not work. I am going to appear shortly before the Board of Internal Economy to discuss some work of the public accounts committee, about which I am also frustrated. The Board of Internal Economy has suggested that our full committee should not travel to Westminster. I do not know what the motion was. I presume the reason was that full committees should not travel overseas.

I want to point out that the Camp commission in its five-volume report was most concerned about the role of the private member of the Legislature on all sides of the House, the government back-benchers as well as the opposition members.

On page 9 of its first report the Camp commission stated: "What we have sketched about the member's role has not stressed the demands on him within the Legislature itself. It is there that much of the skimping and shortfall in performance is taking place. Put most brutally, government and its administration steadily increases in complexity, size and resource. Reports, studies and expertise proliferate. Few legislative proposals are simple and clear-cut. The ministries are sustained by an increasingly impressive array of talent and organizational ability to which the ordinary member of government or opposition has limited access and few ready rights of use. Surely the time has come to recognize that the disbalance, not so much towards the government but towards its highly knowledgeable bureaucracies, must be countered by stepping up the resources, facilities and services of the Legislature and the legislator."

I thought the commission made an interesting point. I believe committee travel generally, but not in all cases, is useful and beneficial to the members because they have to increase their expertise. In any case, I am not going to get at the Treasurer for all the shortcomings of the government. I simply suggest that, to a large extent, these debates have become charades and a waste of everybody's time. We seem to have committees looking at procedures all the time, but something has to be done to redress the imbalance between the power the Premier and the executive have and the power of the ordinary member of the Legislature who does not happen to be a member of the executive council.

There also has to be some sharpening of the lines of accountability and responsibility. I am aware of the commissioning of Price Waterhouse Associates and the Canada Consulting Group by the Chairman of Management Board (Mr.



McCague) on this very thing. I really found the last week or so to be an exercise in futility. I think the Treasurer would agree with that as well. Some way has to be found to make this whole process a little more meaningful for all of us. Otherwise, we all stand to die of boredom in this place.

**4:10 p.m.**

**Mr. Foulds:** Mr. Speaker, it is not often I find myself in agreement with my colleague the member for Rainy River (Mr. T. P. Reid), but I would like to associate myself entirely with his remarks when he talks about the increasing irrelevancy of the legislative debate, the increasing irrelevancy of debating motions such as this and the increasing accumulation of power in what I call the imperial-style cabinet of the Premier. It is an imperial-style cabinet in that the decisions are taken not even by cabinet as a whole, as I understand it, but by a small group of cabinet ministers. Although I entirely agree with the decision to extend aid to separate schools, as I did some 13 years ago, the cabinet did not consider that as a whole.

As the member for Rainy River pointed out time and time again in his continuing battle against Suncor, about which I do not have such strong feelings, the decision was made by four or five cabinet ministers, a few key deputies and Malcolm Rowan. That decision was transferred or communicated to the cabinet. We have the *reductio ad absurdum* today in that we have passed two bills having to do with the Treasurer (Mr. Grossman) dealing with interim supply, and we have the House leaders of all three parties scrambling to do other business.

I do not intend to speak at great length because, as the Treasurer indicated, we just had the budget. Most of what we have had to say we have said in the budget debate and there has not been a great deal of change since then. But there are a number of key points I would like to make very briefly and very quickly. I want to reiterate that the budget is a budget of vague promises. Even today when the Treasurer gave his interim statement, he indicated that the growth rate was 4.7 per cent. If I am not mistaken, he predicted the real growth rate would be 5.2 per cent in his budget.

**Hon. Mr. Grossman:** It was always 4.7 per cent.

**Mr. Foulds:** It was 4.7 per cent. In other words, he considers it to be right on target, but he is not indicating where that figure comes from.

What disappointed me in the budget and in the weeks since we have had the budget is that we

have not had a series of concrete steps taken in a number of key areas. Let me deal with three of them.

There have been no concrete steps taken to provide for older workers. We have not seen positive steps in this Legislature to encourage early retirement or a shorter work week. We have not seen a remedy for the continuing inadequacy of a number of the private pension plans. We have not seen a widening, an enhancing or a strengthening of the laws having to do with severance notice and the justification for closure of positions, let alone plant closures.

We have not had adequate pension protection and reform, let alone some courageous steps of providing bridging pensions for those workers who wish to take retirement early and thus free up a number of positions for young men and women in this province and give them opportunities. We have not had courageous action to encourage early retirement so those people who take early retirement could have adequate pensions.

We often get into debates about overtime. I would like to see very tough steps taken so that rates for double and triple time would have to be paid after four hours. This would discourage excessive use of overtime by employers who now find it more beneficial to pay time and a half for overtime than to take on a new work force when that is entirely justified in some cases.

I would like to see some courageous steps in those regards. If we do not have the courage to talk about them in this House, I think that is a very sad state indeed. We have not seen courageous steps taken by this government with regard to equal pay for work of equal value for women in this province. We have not seen courageous and concrete steps taken with regard to youth unemployment; we continue to have high levels of youth unemployment.

The Treasurer, in particular, is fond of saying he and his government reject the so-called quick fix and short-term remedies, but he equally rejects long-term remedies and structural changes. Instead, what we have from the budget, and since the budget we have had nothing concrete with regard to the young people, is what the Treasurer likes to call an opportunity. He has been out on the supper circuit begging private business to take up the challenge and provide the opportunities.

All I would say is that if the budget provides the youth an opportunity, so does Wintario. We know the odds are eight million to one against a person who buys a Wintario ticket, and the reward most of the time is another free book of



tickets, which does not get us very far along the road to full-term employment. Before this House reconvenes in the fall, I would beg the Treasurer to bring in a program with some concrete steps and some genuine action to remedy both the short-term and long-term problems of youth unemployment.

I believe youth unemployment and the unemployment of our older workers are connected. If we could take a series of steps that encourage a shorter work week and shorter work time over the lifetime of a person, with early retirement and bridging pensions, we could begin to solve the problem of youth unemployment, because jobs in the work force would be freed up for the unemployed young people of Ontario who so desperately need work.

I reiterate what I said to the Treasurer or to the Premier. How many times can we expect a young person to take no for an answer when he or she goes searching for a job? How many years can we expect a young person to take no for an answer when searching for a job? I believe very profoundly if that carries on for one, two or three years, then something fundamental happens to that person. I believe very strongly that work itself shapes our personality, growth and identity. Without the hardening influence of some kind of genuine work experience, the human being deteriorates and suffers.

One might even say with some caution, but in all sincerity, that unless we provide the opportunity for work for our young people, we will face in this province, in quiet Ontario, genuine social unrest among those young people.

I want to conclude these remarks by quickly touching on four other areas. One has nothing to do with the Treasurer, but I want to mention it anyway because it has to do with the government, and that is freedom of information. Surely if ever there has been a joke in this Legislature, it has been the freedom of information bill brought in by the Provincial Secretary for Resources Development (Mr. Sterling). It is perhaps the greatest gag bill, masquerading as a freedom of information bill, that has been brought into the House.

**4:20 p.m.**

I want to mention education because I believe there is a genuine concern, a continuing alarm about the drop in what we used to call technical education in our high schools—the number of high school students who are dropping technical training as an option in the high schools. I think that is a real danger in two ways. Not only are those skills useful in developing practical skills

perhaps for the work force, they are also useful as what I call urban survival skills. Having a little electrical, carpentry or plumbing training helps you to survive in an urban environment in a very real way; it helps you to repair your house in a very real way.

But I am concerned more about the de-emphasis—I hate that word—of technical education in our secondary school system, because I think that if young men and women in our high schools have a taste of creative, good and challenging technical education in those years, they will continue those interests and skills and the opportunity for that skill development in their college or university years.

Of course, the lack of interest in technical education in our high schools and the continuing drop in enrolment in technical education in our high schools have led to the threat of a number of layoffs of technical teachers in our school system because of the problems created with respect to redundancy.

I want to talk about Ontario Hydro for a few minutes, because I believe the government's continuing obsession with nuclear technology has shown itself to be a genuine obsession and a flaw with respect to the development the province should be making in the production of electricity.

My argument since I became somewhat familiar with the energy field during my stint as the Energy critic for our party has been that this province is best served by a mix of hydraulic, nuclear and some thermal generation, that the obsession of Ontario Hydro with going to 60 or 80 per cent nuclear is expensive in capital terms and that we are seeing it as increasingly expensive in operational terms.

While it may have been legitimate 10 or 12 years ago to think these plants were going to run risk-free or problem-free, we have found after 10 or 12 years that enormous problems do develop. Frankly, the retubing at Pickering units A and B, I believe it is, is going to cost as much as the four units did at the time of their construction. This shows us not only the escalating cost in actual dollars because of inflation, etc., but also the cost to the whole system because of the retubing, the refurbishing and the reconstruction of the system, which we did not expect to occur until after 20 or 30 years.

It is a very serious matter for the Treasurer to look at simply with respect to where the money has to come from. I know Hydro funding does not come directly from the general revenues of the province; but when Hydro has to go out in the

capital market and ask for huge loans, then that money is withdrawn from the capital market altogether.

Finally, before the Treasurer nods off under the gallery, I want to conclude by saying that I believe one of the best short-term solutions to the problem of job creation is to provide adequate low-cost housing for the people of this province. We need adequate social housing programs, and that in itself does two things: it provides us with a benefit and an investment in the future of Ontario. If you build social housing owned by nonprofit corporations, by the province itself in some cases perhaps, or by co-operatives, you have an investment in the future and in housing; you also satisfy what is becoming increasingly a very real social need in all of our urban communities in Ontario.

With those remarks I would like to bring those issues and areas to the attention of the Treasurer. I hope we will have more concrete action, particularly with regard to job creation for unemployed youth and for older workers. I would like to have particular action with regard to housing, and I would like to see Hydro finally brought under control by this Treasurer, who has an eye on the Premier's job.

**Mr. Boudria:** Mr. Speaker, I want to participate very briefly in the debate on this motion. The last person who spoke raised the issue of social housing, which is a very big concern in all parts of the province. Needless to say, it is a major concern in my constituency, which the Treasurer will know is not a very wealthy one; we are experiencing financial difficulty, and the need for social housing is much greater than in certain other areas.

The member for Port Arthur (Mr. Foulds) reflected on the need for urban areas to have social housing; that is a need, not only of urban areas but of our small towns and villages as well. I am sure the minister, having travelled the province as he has on many occasions, is aware that is not just a problem of large urban communities.

One of the difficulties we have in rural areas is getting housing for our elderly. In certain large municipalities there are at least apartments on the market that people can rent. In many of our small villages, once the elderly are no longer able to live in their own houses, once they cannot mow the lawn and sweep the steps and shovel the snow, there is no other accommodation to which they can go. There are no apartment buildings at any price.

It is not a matter of being able, if living in a small village like L'Orignal or Rockland or other communities in my constituency, to say, "I am not able to take care of my house any more, but I can always go over to that building and rent myself an apartment." They cannot do that because there are none.

I bring this to the attention of the Treasurer in view of a letter I recently wrote to the minister's colleague the Minister of Municipal Affairs and Housing (Mr. Bennett). I will not bore the Treasurer with all the details of the letter. Needless to say, the reply of the Minister of Municipal Affairs and Housing was less than adequate. I will be generous in leaving it at that.

The minister indicated the federal government allows the allocation and it is the federal government's fault that we do not have housing. What he did not say was, if the federal government allowed allocation, why he does not allow allocation for social housing as well. He stated that 1,980 apartment units had been approved for Ontario by the federal government, forgetting to mention that the provincial government had not approved any. He then blamed the federal government for not allowing enough that we could distribute them throughout the province.

The Minister of Housing and Municipal Affairs is totally missing the point, which should not surprise anyone here. A minister with a greater ability to comprehend such matters, such as the Treasurer, should encourage his colleague to allow some funds for the creation of social housing in small municipalities across this province.

I see members representing rural constituencies sitting on the government side. I am sure they have the same concerns about providing adequate social housing, especially for our families and our elderly, across this province. It is a very difficult area in our smaller municipalities. The private sector is not building very much housing, as the minister knows. The taxes are now very high in some of our small municipalities, because assessment is increasing. There are serious difficulties in trying to create more adequate housing. Only intervention by governments will solve that.

The Treasurer will probably talk about the federal government allowing only 1,980 units across this province, but I would suggest that if we had had 1,980 units approved by the provincial government as well, we would have tackled much of the shortfall we have in units across the province. I encourage the minister to



stress the important of this to his colleague the Minister of Municipal Affairs and Housing.

**4:30 p.m.**

Very briefly, I would like to raise another issue with the minister; he will be aware of it, since I wrote him a letter about it. It concerns the eastern Ontario development agreement between the provincial government and the federal government. I see the minister is making notes. No doubt he is thinking about the fact that the agreement has now expired, not in terms of time but in terms of funds, although it will expire later this year in terms of time as well. The federal government has not demonstrated too much interest in renewing it, I know. Nevertheless, I understand there are still negotiations between the federal government and the province; at least that is what I was informed by the Minister of Agriculture and Food (Mr. Timbrell) in a letter to me last week.

A portion of the eastern Ontario development agreement was for agriculture, some \$10 million initially. Through negotiations with the Minister of Agriculture and Food and the Honourable Edward Lumley, some funds were transferred within the agreement and the \$10 million changed to \$11 million. Since then, another \$300,000 or \$1.3 million—something like that—has been added. However, there is still a shortfall in terms of projects that were started when there were funds in the agreement but have not yet come to fruition.

The difficulty is that many municipalities find themselves with an engineering bill of, say, \$100,000, and a project that cannot go ahead. There are two choices; one is to take that engineering bill and tack it on to the farmers who signed the original petition, not giving them any drainage at all and just abandoning the project. The alternative is that the municipality can take that from its own funds; it can also proceed with the drain with only one third of the grant instead of two thirds.

The effect is not just that the cost of producing the drain will be doubled. The minister will know that the method by which this is calculated has many people, especially at the lower end of drainage areas, receiving moneys for damages once a municipal drain is constructed. Since the net amount is deducted from that, sometimes there is a drain—for instance, under the previous scheme of two-thirds funding—which would have cost a farmer \$2,000 and the farmer was willing to proceed, thinking he would have an additional expense of \$2,000. However, not being able to get the other one-third grant, that bill might jump

from \$2,000 to \$25,000, and whereas many farmers could have afforded the \$2,000 bill, a bill that is 10, 15 or 20 times the original estimate is a far different story.

They have a choice of paying for engineering and not getting anything constructed—the municipality could absorb the bill, but many of them are not in a position to do that—or the farmers could proceed with the drain and hope that somehow they would manage to scrape up the dough to be able to proceed.

In eastern Ontario, according to estimates made by the Minister of Agriculture and Food, some \$1,067,765 would be needed to be added to the agreement to complete the drains already started. I am sure the Minister of Agriculture and Food has brought that to the attention of the minister.

There are nine drains that have to be constructed; all of them are in eastern Ontario. I understand four of those nine are in my own riding. There is also one in the township of Roxborough, one in the township of Winchester, one in the township of Finch and two in the township of Lochiel, which is of course part of the constituency of Stormont, Dundas and Glengarry. Those nine drains would require an additional \$1,067,765, as I expressed earlier.

We had the same situation in 1979. I do not know whether the minister will recall it. At that time, the then Minister of Agriculture and Food—

**Mr. Ruston:** Bill Newman.

**Mr. Boudria:** Yes, I believe it was Mr. Newman who came to eastern Ontario in 1979—I wonder if I could have the minister's attention for this, because it is important; I am willing to wait until the private conversations are over before I proceed.

**The Acting Speaker (Mr. Cousens):** I do not know whether the Treasurer is going to give full attention to the member for Prescott-Russell. The House is waiting.

**Mr. Boudria:** In 1979, when this same situation happened, we were short of funds as well, and the province, through the Minister of Agriculture and Food at the time, advanced funds towards the completion of the drains that had already been started. I understand the amount was roughly similar to what we have outstanding at the present time. In 1979 the provincial government somehow found within its coffers the funds necessary to complete the drains that had already been started under a previous agreement and the funds had run out in a manner not totally dissimilar to the present one.



What I am asking of the Treasurer today is the following: In view of the fact that we have a situation whereby the farmers of eastern Ontario will be saddled with this \$1-million bill, would it not be possible now to advance those funds to the farmers pending a future agreement being signed between the province and the federal government?

The minister might say he is not sure such an agreement will be signed. In 1979 the minister was not sure of that either, and he protected the farmers against those very heavy costs at that time. I am asking the minister whether there could be any way to find those funds within the province's coffers to assist the drains in eastern Ontario. It is an amount of \$1,067,000, as I said previously. I know it is a lot of money, but in comparison with the total budgetary expenditures of this government, it is not a very large amount.

Farmers have seen bills grow 15 or 20 times, and this could be a matter that will cause some farmers in my constituency to go bankrupt. They are in a very difficult situation. Such farmers are not only in my constituency, as I said earlier; they are in three or four ridings across the province. That situation is unique in that area of eastern Ontario. Those farmers are stuck with it through no fault of their own. Somebody has to come to their assistance. The farmers of eastern Ontario would like to count on the minister and his colleague the Treasurer to come to their rescue at a particularly difficult time.

**Mr. Mancini:** Mr. Speaker, I want to take a few moments to comment generally on the fiscal arrangements of this province. Although I could bring up some very specific concerns and situations that affect the constituency of Essex South, I will refrain from doing so now and take the opportunity at a more appropriate date.

I want to have it on the record that basically the system we use in the Legislature, which allows the Treasurer to borrow and spend billions of dollars on behalf of the citizenry of Ontario, is unjust. Government members come before the House and inform the House how much money is needed and necessary; then they go ahead and spend it as they like. We do get spending estimates, and government members sometimes provide written information which explains how this money is spent, but at the end of the fiscal year one may see, as has happened, several major adjustments to those spending estimates.

**4:40 p.m.**

I want to bring to the minister's attention one in particular. It was this government across the

floor of the House that decided to spend about \$500 million of the taxpayers' money to purchase a share of Sun Co. of Pennsylvania, better known here in Ontario as Suncor. Who is to say that, once we allot these billions of dollars the Treasurer requires, he and his colleagues will not go out and commit another blunder similar to the purchase of Suncor, similar to specific situations such as Suncor and other such investments? We think of Minaki Lodge in the north and the time the Premier wanted to buy a personal jet for \$10 million.

These billions of dollars are borrowed by the government under the pretext that it is going to use this money to run the business of the province. When one sits down and considers what the business of the province should be, the jet does not come to mind, Minaki Lodge does not come to mind and Suncor does not come to mind.

I think it would be a better legislative process if, when the Treasurer came before us to ask for our approval—I guess asking us for our approval is not really correct because this is a majority government and, if 70 Conservative members decide to stand, it does not need our approval for anything; we go through the process just the same—when the government comes to the Legislature to ask for our approval to borrow these billions of dollars, it should use that money for the policy that has been outlined by the government itself. If it wishes to deviate seriously from that policy, such as buying Suncor, it should come back and inform the Legislature, and possibly have a debate or a vote.

I may let my name stand in favour of having the Treasurer borrow money to conduct the business of the province, but I certainly was not in favour of the Treasurer and his colleagues buying Suncor. Who knows? They may buy another 25 per cent next month and I am certainly not in favour of that. I resent having to approve in general huge sums of money for the Treasurer when he may use that money for purposes other than stated government policy. Whether or not we agree with the policy is one thing, but I think we all agree that the business of the province should carry on.

I must also say that in the past and even up until now, I think we have been very easy on the Treasurer in allowing him and his colleagues to receive these billions of dollars. He comes to the House, we have a few days of debate and off he goes with another truckful of money. I think things should change. I really believe the Treasurer, when he comes before us, should not



only ask for our approval in a legislative sense here in the chamber, but I would not be averse to having a committee of the Legislature meet with the Treasurer on a specific item, such as the one we are debating now for the Treasurer to borrow all this money for the consolidated revenue fund.

We can look back and see the truly wasteful practice this government has endeavoured to make part of its legacy. The advertising expenditures almost make one—I do not want to use the word “sick” but I guess maybe that is the word—sick to look at. We are asking for nursing home and chronic care beds. We are saying to the Treasurer, “Take this money,” and we really know deep down in our hearts what the government is going to use the money for. The prime purpose is to further the Progressive Conservative Party of Ontario. If it has to celebrate a bicentennial, that will be done.

**Mr. Ruston:** Even if it is not 200 years.

**Mr. Mancini:** My colleague the member for Essex North (Mr. Ruston) makes a good point. If it has to buy billboards in the middle of winter to express to the people of Ontario that they should buy Ontario strawberries, it will do that.

If it has to increase its advertising budgets by 10, 20 and 30 per cent, as it has done over the past years, it will do that. The hospital beds, the chronic care beds and all the other needs the people of Ontario have can just go wanting.

I believe I have said this before. The once grand Conservative Party of Ontario has turned itself into a public relations firm. That is what it has now evolved into. If one takes a cynical view of politics, perhaps that is what it needs for its electoral success in the province. It is certainly my belief that because the government has dug so deeply into the pockets of the taxpayers, so deeply it is down at their knees, there is going to be a lot more public scrutiny, there is going to be a lot more said, and the public will be watching more closely.

As we travel across Ontario and meet residents of the province, they tell us their property taxes for modest homes are \$1,000, \$1,500 and \$1,800 a year. Any time they want to improve their homes, which improves the neighbourhood and society in general, they are tagged again. The Treasurer's hand is in there again. I firmly believe the people are at the point where they are very willing to look at Queen's Park and ask:

“What has that government been doing? What does it do with those billions of dollars? Does it promote the needs of the people, of the cities, of the towns and the neighbourhoods, or does it promote the Progressive Conservative Party?

They buy Suncor when a poll says they should buy Suncor. They buy a jet when they think people are not watching.”

These things will finally be brought together. I am sorry to say I believe the government has fallen into such a rut it will never be able to change its current practices. The only thing that will change what is going on at Queen's Park is a change of government, and I think the day for that is forthcoming.

**Hon. Mr. Grossman:** Mr. Speaker, it is interesting that the common theme running through the responses and comments today has been with regard to the process. I might say to the members opposite no one would be happier to look at the process of approval for the Ontario Loan Act and interim supply than I would.

I should remind members I have now sat through 10 or 11 sets of estimates in four ministries. I have found some of the estimate processes to be quite constructive. I have found they can be useful. Most of the time they are useful when members opposite choose to focus on specific issues, to speak to them in a well-informed way and to deal with specific spending items that sometimes have been drawn to our attention in advance. Rather than have it become simply a political exercise to get comments on the record, the government may put its view and explanation on the record and have a constructive dialogue thereafter.

**4:50 p.m.**

I can only say to honourable members, particularly to the member for Port Arthur, since the member for Rainy River is absent at the moment, that if he and the member for Rainy River would like to propose a way in which we might use this time we all share in the House more constructively with regard to the matters of general spending approval that come before us, I would be delighted. I would be very interested in discussing that matter further with them.

We might perhaps pick a couple of items to focus on and allow a useful discussion of those items, rather than having the kind of scatter-gun approach the last speaker chose to adopt. There has been some suggestion that all these problems or most of these problems lie on the Treasury benches. In response, might I say I have found when opposition members have wanted to take the time to raise matters, not for party or political positioning but to encourage a debate on or discussion of important matters, we have really been able to use that time most constructively.

In my time in estimates, I have learned a great deal on the occasions opposition members have



chosen to come with some specific problem that merited both philosophical and program discussion. Sometimes I have been accused by opposition members of stealing their ideas. I would admit I have learned during these processes. I believe this House could be used far more constructively, but that would require a great deal of commitment, determination and some willpower to use this kind of time not for party positioning, as private members' hour has gone back to, but in order to get some valid and important discussion on the record.

**Mr. Foulds:** Sometimes opposition positions are valid and important discussions.

**Hon. Mr. Grossman:** I would say there is a time and place for it. The reason we started private members' ballot items was to encourage something different from party positioning. Unfortunately, it has been used for other reasons.

In any case, I should like to repeat for a moment or two the themes of the budget and the fact they are at this moment being implemented. I heard what the member for Port Arthur said about older workers and some of the suggestions he offered. They are quite radical suggestions. They would cause a great deal of dislocation if they were to be implemented, yet I would be wrong to say all are totally inappropriate. One of the things we ought to think about is a way in which some of those things could be debated and discussed in a constructive way in this assembly, rather than trying to discuss them while both sides of the House have to be careful to protect their political flanks and be totally mesmerized by the political risks involved in that discussion.

It takes some commitment from all sides of this House to mount debates on those topics and to do so without a view or an eye towards the political manoeuvring for a while, but instead to have the kind of important, in-depth discussion that those alternatives warrant for the most part.

Notwithstanding the suggestion we go back to some of our quick-fix kinds of opposition solutions, we are going to reject those continually. It is not a long shot that the budget will provide opportunities for young people. The responses to date have been extremely encouraging and I suspect that later on this year and next year, we will be able to report a quite significant response to those budget items.

I make no apologies for looking to the private sector to provide those opportunities. As I said earlier, those are more valuable and constructive in the long term than putting some of these young people on government payroll and pretending the

problem has been solved. It just has not in that way.

The member for Prescott-Russell (Mr. Boudria) has suggested that certain moneys be advanced in the light of the expiry of the eastern Ontario subsidiary agreement. Obviously, the minister and I are both sympathetic to the situation. I know the member for Prescott-Russell will understand when I say this.

So far, the federal government has not been able to agree with us, nor is it prepared to sign a number of agreements, including this one. I regret that. I made it quite clear in my last meeting with the Honourable Don Johnston that Ontario stood ready to sign a number of agreements.

I would admit, quite openly, that my message was: "Let us not sign general agreements which have no real meaning. Let us sit down and agree on a series of implementing agreements, not just agreements to agree. Let us get down to it and do it."

So far, we have not been able to get to that circumstance. I regret that. I hope with the changing of the guard, as a result of last weekend, there will be some reorganization, at least for the next few months. I think the reorganization last undertaken in Ottawa has caused a disorganization and dysfunction in Ottawa. It has crippled it and made it unable to sign those agreements.

We are facing this kind of circumstance in a number of areas. Many of the member's colleagues have spoken to us about the Canada-Ontario employment development program problems. My colleagues certainly have. This government was anxious to extend the COED program. The federal government declined.

**Mr. Boudria:** Yes, but these are already approved.

**Hon. Mr. Grossman:** If we are to step into the breach, as it were, and provide these kinds of moneys, two things happen.

One, the Ontario taxpayer—about whom the member's colleague a moment ago was professing to care deeply—takes all of the burden. There is no mistake about that; there is only one source for the revenues. That is patently unfair because the national government has equal responsibilities throughout the land. It would be transferring those dollars to other jurisdictions and, thus, the Ontario taxpayer would be paying twice. That does not help the tax situation in Ontario.

**Mr. Boudria:** Yes, but it was done in 1979.

**Hon. Mr. Grossman:** I am talking about the current problems we face and the broad number



of matters I have to negotiate with the federal government on behalf of the Ontario taxpayer.

The second thing that happens is a clear message goes out to the federal government. That is: In the case of Ontario, one does not have to step into the breach, one does not have to sign agreements. Once there are political problems out there, once there are real problems out there, we are not to worry because the Ontario government and Ontario taxpayer will step into the breach and the federal government can then move to other provinces where that does not occur.

**Mr. Boudria:** What is the difference? It was done in 1979.

**Hon. Mr. Grossman:** I cannot speak for 1979. I can only say it is quite clear to me, acting on behalf of the Ontario taxpayer, that every time we send a message to Ottawa that we are prepared to step into the breach, Ottawa smiles and says happily, "There is another \$100,000, \$200,000, \$300,000 or \$10 million or \$20 million off our backs in Ottawa and now we will go merrily along." It will never make it up. It will never flow the money. That is the way it happens.

**Mr. Mancini:** That is a preposterous position—

**Hon. Mr. Grossman:** Finally, I would say to the member for Essex South (Mr. Mancini) who spoke last, appropriately, that if he took a moment to look at the history of negotiating with the federal government and the problems we face financially, he would understand that, politics and party affiliation notwithstanding, the tale I have recited is unfortunately factual.

**5 p.m.**

It is precisely what happens. If the government in Ottawa feels it can avoid a responsibility because the Ontario government has stepped in and filled it, it will happily do so. That may be understandable, given the dire state of its financial affairs, but that does not make it right. We do not expect a disproportionate share for Ontarians but a fair share and a fair and equitable deal. We do not expect a circumstance where the federal government withdraws to wait and see whether Ontario taxpayers will step into the breach and then, if we do, just walk away happily having saved it some dollars.

Finally, might I say to the member for Essex South, I usually do not join into the kinds of issues he has chosen to use House time to raise, things such as what he alleges to be the Premier's purchase of "a personal jet." I can only comment

that by using those minutes to go over a list of unfounded and unusual accusations, to say the least, he reaffirms the view of the member for Rainy River in talking about how the time of this House can be used well with respect to debating the real items of expenditure and not wanting to posture here for repetitive personal advantage.

I can only conclude, having listened to the member for Essex South on previous occasions when he rose with something to say, if only on behalf of his very important constituents, that perhaps the last five days in Ottawa at the Liberal convention had the unfortunate effect of scrambling his brains, scrambling momentarily his thoughts if not his brains.

I hope Mr. Turner may have the opportunity over the next period, particularly after the election when he will have so much time on his hands, to explain balance sheets, deficits and federal-provincial financing to the member. As he has lived in the shadow of Eugene Whelan and Mark MacGuigan for a long time, I know those things would be very foreign to the honourable member, so I understand this problem. None the less, I am sure the member will find Mr. Turner more edifying than Eugene or Mark or, for that matter, even Herb.

Motion agreed to.

#### LAND REGISTRATION REFORM ACT

Mr. Williams moved, on behalf of Hon. Mr. Elgie, second reading of Bill 66, An Act respecting Conveyancing Documents and Procedures and the Recording of Title to Real Property.

**Mr. Williams:** Mr. Speaker, the Land Registration Reform Act before you today for second reading will allow us to improve and modernize one of Ontario's oldest institutions. Under the proposed legislation, land registration documents will be shortened and standardized, record keeping will be automated and a new property mapping system will be introduced.

**Mr. Boudria:** Mr. Speaker, I am sorry to disturb the parliamentary assistant, but we do not have a cabinet minister in the House and, in my view, we do not have 20 members.

Mr. Speaker ordered the bells to be rung.

**5:08 p.m.**

**The Acting Speaker (Mr. Rotenberg):** The clerk has reported that a quorum is present. The member for Oriole may continue.

**Mr. Williams:** Mr. Speaker, after being so rudely interrupted, I will get back to where we were.

**Mr. Boudria:** We did not rudely interrupt the member. It is up to the government to maintain a quorum.

**The Acting Speaker:** Order, please. The member for Oriole has the floor.

**Mr. Boudria:** Mr. Speaker, on a point of order: With all due respect, I do not think I have been rude to the parliamentary assistant. I asked for a quorum to be called. It is the duty of this government to have a quorum in this House. If it cannot do that, maybe it can let somebody else run this place.

**The Acting Speaker:** Order, please. I think you are aware that is not a point of order. The member for Oriole may continue.

**Hon. Mr. Leluk:** Members opposite do not have a quorum half the time.

**Mr. Mancini:** It is the government's job to keep the House going.

**Mr. Boudria:** Who is in charge? There are 70 government members. There were four in here.

Interjections.

**The Acting Speaker:** The member for Oriole has the floor. Will all members please refrain from cross-talk so we may proceed with the business of the House.

**Mr. Williams:** Mr. Speaker, for the record—

**Mr. Foulds:** On a point of order, Mr. Speaker: It is difficult to proceed with government business when there is no member of the government in the House; that is, when there is no cabinet minister in the House.

**The Acting Speaker:** There is a member of the government in the House at present. There is nothing in the standing orders that requires a member of the government to be in the House.

The member for Oriole may continue.

**Mr. Williams:** Mr. Speaker, I would like to point out that the series of legal and operational changes proposed in this bill will reduce the work load for staff and clients by simplifying the registration of land at the province's 65 land registry offices.

The bill will put into place many of the proposals made in a 1971 report of the Ontario Law Reform Commission and the Polaris project for the automation of the land registration system. Polaris, which is an acronym for the province of Ontario land registration and information system, was established in 1980.

The Ministry of Consumer and Commercial Relations has established a prototype office in Oxford county in the city of Woodstock where all the integrated changes will be tested. Only the

township of Dereham and the town of Tillsonburg will be directly affected initially.

In the test area, changes to the registration system, including the use of the new documents automated record-keeping and property mapping, will be monitored and modified if necessary. When satisfactory operation is assured, the system will be extended to the other registry offices in the province.

The act is divided into four parts.

Part I contains substantive changes, which require the use of new, shorter forms, the replacement or elimination of present affidavits and the introduction of a new, optional method for the registration of mortgages or charges. Four forms will accommodate all documents presently registered.

Part II of the act authorizes the introduction of property mapping and an automated recording system in areas of the province where part I is already in force.

Part III of the act contains amendments to existing legislation required for the introduction of the new documents and registration process. Existing legislation requiring change includes the Conveyancing and Law of Property Act, the Family Law Reform Act, the Land Titles Act, the Land Transfer Tax Act, the Mortgages Act, the Planning Act, the Registry Act, the Short Forms of Conveyances Act and the Short Forms of Mortgages Act.

Part IV simply says the act will come into force on proclamation.

Parts I and II will be extended to the Oxford county test area as soon as the act is proclaimed. Further, it is planned to introduce part II incrementally throughout the province as soon as the documents prove their worth in Oxford county. The part II designation that will introduce automated record-keeping and property mapping would be made for individual offices as they are converted.

I am sure this act, developed in close co-operation with the Law Society of Upper Canada, will be well received. Changes already made by the Polaris project to reduce the length of title searching were well received by users. Reduction in the size and complexity of documents and an automated facility can only assist them further.

I am looking forward to the co-operation of members on all sides of the House to ensure speedy passage of this legislation.

**Mr. Boudria:** Mr. Speaker, I am pleased to participate in the debate on Bill 66, the Land Registration Reform Act.



As described in the compendium to the act and as further expounded by the parliamentary assistant today, this legislation authorizes the computerization of the land registration system across Ontario. I do have a few concerns and I hope the parliamentary assistant can assist in giving us more details of the project.

A number of members had the privilege of visiting the Polaris project office through the good auspices of the parliamentary assistant a few weeks ago, and I would like to thank him for making that available to members of the Legislature. I understand there were two days for that. He called one day for the critics of the ministry and on the second day I believe he invited all lawyers in the Legislature to attend. I would have hoped he would have invited all members rather than all lawyers because, even if one is not a lawyer—I never apologize for not being a lawyer—this does interest a lot of people.

The land registration system in Ontario needs to be simplified, not for the benefit of lawyers, but for the benefit of those of us who are not, so that the ordinary mortal can actually understand what a deed is. For many people, that still remains a very mysterious thing.

**Mr. Williams:** If I had not extended an invitation to all members of the House, I would accept the criticism as levelled, but the fact is three invitations were extended: first to the critics, then to the lawyers, who I thought would take a special interest in the project, and then to the members at large. That was done over a 10-day period. The critics were first and then the lawyers were two days later. The invitation was extended to all members of the House for the following Tuesday afternoon.

**Mr. Boudria:** I apologize for that and I am glad to know all members were invited. I had asked a few members and they did not recall receiving the invitation. So much the better then if all members were invited to view the system. Frankly, I was very impressed with what the system looked like. It is interesting to see that we will some day be able to pinpoint every piece of property in Ontario with this system.

I do have a few concerns. How long will it take before the system is implemented throughout the whole province? I do not believe that was addressed today in the remarks of the parliamentary assistant, nor was it raised at the time of the introduction of the bill, to the best of my knowledge.

Perhaps the parliamentary assistant could describe to us the tentative schedule for doing the whole province under this new system. I

recognize that may be more a guesstimate than an estimate at this point, because obviously he will be better able to assess the success of this once the two townships in question have been done.

I have just referred to the two townships in question. I understand the Oxford test area consists of just the two municipalities in that office, if my memory is right, or a number thereabouts. If we do only two now and have to phase in the townships by twos, it would take a long time to do the whole province.

I recognize that for the parts of the province under the land titles system it could be a much speedier process than for other areas. Therefore, we cannot necessarily say we will only be doing two offices a year; otherwise, it would take the next 400 years before the project would be completed, and I am sure that is not the target date. I am sure there is a target date much sooner than that.

**5:20 p.m.**

I understand the Ontario Lawyers Weekly publication recently reported that the Law Society of Upper Canada was monitoring this process and that it was very pleased with it and supportive of it. But again the society stated it was looking for speedy passage of this bill and even speedier implementation of it.

I also understand that a system somewhat similar to this exists in the Maritimes and that it benefited from federal government funding at the time it was established there. I am wondering whether any grants from the federal government were afforded to Ontario to implement this kind of a system and whether such grants were afforded to other provinces in the past.

If the parliamentary assistant does not have that information today, it is not particularly important to have it now. At some time in the future when we are discussing the bill, it would be interesting to know whether any federal funding went into this project.

I would like to talk about the cost benefits of this system. Once we have completed the whole province under the Land Registration Reform Act—that target date of X years which the parliamentary assistant will describe to us later—we will still have two land registration systems in this province. Then, of course, we have to go to the second step once we have done that. It is to be hoped that in the future we will have put the whole province under land titles.

There is a second step to this whole project even beyond what we are doing today in having this whole province under one uniform, computerized land registration system. From the



meeting we had in the offices of the Polaris project, a decision had not been made as to whether we wanted to go under land titles for the whole province. That decision had not been made. We know now that we want to go on computer for the whole province at some date in the future, which I previously talked about, but I understand we do not know yet whether we want to put the whole province under land titles.

If we do only this part here and not the other, we have an unsatisfactory situation; we will not have true guaranteed titles for all properties in Ontario. The process we will have under this new system will be able to provide what the member referred to as "good title" or a better system where one has the Registry Act in place. That will also provide that the time lawyers spend in registry offices will be shortened. That is very fine as well.

One can only hope, and I say this for the record and for the Law Society of Upper Canada to hear, that whatever time and money is saved by this will be passed on to consumers in this province. That is what we are here for. We as a Legislature represent the consumers of this province. It is nice to know this will benefit the lawyers, but I hope that if they save \$100 worth of time doing this it will be indicated on the bill: "Less \$100, because the Polaris project is now in force in this particular registry office." I am looking forward to the day when I see a lawyer's bill that has such a discount on it because he has saved time with this project.

I am not holding my breath, but the member for Oxford (Mr. Treleaven), who is a lawyer and who represents the Oxford area, will undoubtedly pass on these savings to the consumers of his constituency who will benefit from this system. I see him nodding his head meaning yes. We can all look forward to the day when such discounts will be given to the consumers of that area. The member for Essex South (Mr. Mancini) will monitor closely this situation to ensure those discounts are passed on to the consumers in that area.

I would like to find out from the minister the cost of this project. I believe we were told in 1979, if my memory is right, that it would cost something in the order of \$3 million to establish this project in the design and concept stage. Perhaps the parliamentary assistant can tell us how far that \$3 million will go.

Is that just to set up what we have seen in the ministry's offices? Does that include the installation in the Oxford area? Will it go even further? What will the total cost be to install Polaris in all

the registry offices in Ontario? I am sure the minister must have forecasts with respect to that.

We know the \$3 million cannot be to convert the whole system in the province on to the computer and turn everything over on land titles as well. As I understand it, the cost of doing it in the Maritimes was \$78 million. It is highly unlikely it can be done for \$3 million in the province.

Perhaps the parliamentary assistant can indicate to us how much the government intends to spend on this project to see its full implementation with respect to computerization. If he has the figures, how much would it cost beyond that to put the whole system under land titles?

The second question that immediately comes to my mind is, had the government not gone ahead with the Polaris project at all, had it not touched it, never even thought of the thing and put all that money into converting the land registration system under the land titles system, how far would it have got us? Would we have done half the province if we had spent that money elsewhere, i.e., converting everything to land titles? Would we have done the whole province or is it considerably more expensive than that?

Has the government done a cost-benefit analysis of doing those two things, putting everything on computer and converting everything to land titles, both and each of them individually? Were cost-benefit analyses done in that area?

I understand as well that this new system will cost quite a bit more, where it is implemented, to the person utilizing the facility. If I were to walk into the Oxford office and do a property search under this new system, the cost will be greater than it is now. I am told this new cost is based upon the fact that everyone knows it will take less time at the registry office and that time saved is worth something. That is of course true. Everyone will acknowledge that if one can do an hour's work in five minutes, obviously the new system which enables one to do everything in five minutes should cost more.

I want to know how the formula for the new prices was arrived at. Is it an estimate of the saving of time for people, and what was the formula that was used, i.e., what hourly salary was used to divide by? Was it a lawyer's salary or the salary of a legal assistant, who usually goes to a registry office on behalf of a lawyer?

I understand lawyers do not always do it personally. Some do in my constituency in small municipalities, but if one were to go to the land registry offices for this city, I do not think he



would find many lawyers there personally. I am sure that, if one were to evaluate the percentages, there would be a far greater number of people there who were not lawyers and who were working on behalf of lawyers, such as legal students and so forth.

3:30 p.m.

I would be curious to know how the government arrived at that price using a person's salary divided by time saved. Which person's salary was used to arrive at that? That of a lawyer or the average person working in a lawyer's office?

Those are some of the questions I have on this. I hope the parliamentary assistant can clarify some of those concerns. We do not want to delay the bill unduly. We are of the opinion that the existing system in this province is not a very modern one. It is time we moved on to something better. In saying that, we do want to ensure any change effected will ultimately benefit the consumer and is done in such a manner as to obtain the greatest cost benefit for the taxpayers' money that is expended in doing this.

**Mr. Cassidy:** Mr. Speaker, I want to make a few comments about the bill. My comments will fall mainly in an area not covered by the member for Prescott-Russell (Mr. Boudria). I am reminded a bit of the reform of the assessment system which led to a period of seven years when assessments were not open to review, scrutiny or appeal. When the process finally came out in the open, a lot of problems emerged. This may happen in this case as well.

A lot of the technicalities involved here are by their nature administrative matters. I too would appreciate some estimates coming from the parliamentary assistant as to the cost of these changes. I would appreciate them partly because of the inadequacy of the compendium with which we were supplied, which talks about the legal technicalities of the bill but which does not talk at all about the costs, the benefits and what this will actually mean to the people who have to use the present land registration system. How is it going to benefit the ultimate consumers, the purchasers of homes and the people who are doing business in Ontario?

In one view, it could be said this is going to take some jobs away from law clerks and title researchers. At the same time, it will sweep some of the cobwebs out of a system that was established in this province in the 19th century and has essentially had very little change or reform since then.

In general, there are a number of ideas here that are welcome. The use of short forms of

standard mortgages is going to save a fair amount of rather useless clerical work that was not required without removing any protections from the public as far as they involve access to land registry documents.

I am concerned about the fact that central as the ownership of land is to a lot of social institutions in this province in many respects, an assumption seems to have been made here by the lawyers with whom the ministry has consulted and by the people involved in land titles work and so on that the precision of the title is what counts and not the obligation of the land owner to the province, to the jurisdiction that enables an individual or corporation to have title to land and the relative security that the title is safe.

It is interesting that the existing law says, "The registered land shall be described in such a manner as the land registrar considers is best calculated to secure accuracy." There is no precision there with regard to how the land will be described, and that is continued in this act. There is, however, a fair amount of verbiage with regard to what the land registrar will be able to do using the Polaris system. I do not want to go into it in detail, partly because it is very complex and partly because I was regrettably unable to accept the minister's offer to have a look at the system a week or two ago.

I am concerned that despite the experiences of the last year and a half or two years, no effort has been made by the ministry to acknowledge the difficulties that have been created because of the ability of land owners to hide behind corporate anonymity in their ownership of land in Ontario. I believe that is a very serious error. Among other things, it is an error that has led to the loss of some \$650 million because of the failure of trust companies that got diddled by unscrupulous owners and, in many cases, by unscrupulous owners who were using the device of numbered companies to trade in a speculative fashion in land. I think it was in an illegal fashion as well, but that remains to be seen and to be decided by the courts.

The fact is that there was a great use of numbered companies and that it proved to be impossible for the agents of the crown to pierce the veil those companies were using to find out what the devil was taking place; it also proved impossible for the trust companies, had they wanted to do so. Some of the proprietors of the trust companies, such as Mr. Player, said they themselves were diddled, although I rather doubt that particular claim. If you sup with the Devil,



you had better have a long spoon, and Mr. Player did not have a long spoon.

**Mr. Foulds:** He had other things.

**Mr. Cassidy:** He had other things.

I am suggesting now that we are having a fairly major change in the land registry system in Ontario. Now that we are moving from the pen and quill age, before the typewriter was invented, to the electronic age when records are going to be kept on computer, it seems appropriate to look at the question of whether there should be any public obligation with respect to what right the public should have to know about the ownership of land.

When the land registry system was established originally, this was a much simpler society. Our population in Ontario must have been less than a million back in the 1850s or 1860s, one eighth or one ninth of what it is today. Most people who owned land were, relatively speaking, more stable than people are today. Certainly the kind of flightiness of corporate investment that exists today was nowhere near as evident in those days as it is now. Corporations were known by name rather than by number. Today you are obliged to have a corporate number in Ontario; you are not obliged to have a name for your company, and often you are discouraged from it because of the coincidence of your name with that of some other company.

This means that when the original system was set up, it was usually possible, from the name and the address for service of a corporation or the single name of an individual owner, to know who the owner of a particular piece of property happened to be. That is not the case any more, and it seems to me that, just as there are public obligations that should be attached to the right of limited liability in a corporation in Ontario, so too should there be public obligations that attach to the ownership of land.

Those are obligations that I do not mind accepting as the owner of a house and a small piece of land in the country. I am quite happy for people to know my street address or to know the arrangement between my wife and me with respect to how we own land; I have nothing to hide in that respect.

The people who have something to hide are people who want to speculate in land or people who want to avoid other areas where there is a public interest in the ownership of land as expressed in provincial legislation. There has been a great deal of interest, for example, in the question of foreign ownership of land in Ontario; it has been shared by my colleagues in the Liberal

Party. At present all we have is a very weak system of registration in which, if there is a foreign owner, there has to be a certain modest type of registration; I think that is all that is required, a monitoring system.

But there are no teeth in that monitoring system, particularly since it is possible for a numbered company to own a numbered company that owns a numbered company that is the registered owner of the land. Who the devil is the beneficial owner? It is impossible to find out through the land registry system.

We had an instance in Ottawa, for example, at the time of the Cadillac Fairview collapse, in which a numbered company was taking over ownership of apartments, and the tenants had no knowledge of and no means of knowing who the beneficial owners of that property happened to be. All they have the right to know is the address for service of that corporation. If they go to the corporation's registry, they can find out the share ownership of the company and, if they are lucky, they can find out the original incorporators and the original directors of the company.

I am not sure whether the current directors even have to be listed, and certainly a company is not required to give adequate information so that an individual can find out who really controls that company and what it is he is on about.

**5:40 p.m.**

In today's complex society, we have a substantially greater proportion of people who are in a rental relationship as either residential or business tenants. Through this Legislature, we have sought to restrict some of the rights that pertain to the ownership of land by means of such things as the rent review system in Ontario. There has to be recognition of what has changed in the land registry system. That implies there should have been amendments in this particular set of amendments to ensure a more full, complete, reliable and workable system of identifying who the beneficial owners of land happen to be.

When we come to the committee stage, I will have some amendments to one of the sections of the bill which are both appropriate and entirely in order as far as this House is concerned.

When one arrives at the fact that tenants represent some 40 per cent of the population of this province, their need to know, at the very least, who the owners of the building are is a very legitimate kind of need.

After all, the relationship of owner and tenant in a building is something more permanent than the relationship of a business which is dealing



with some customer or client. If the customers do not want to do business then they can take the business elsewhere. They can sign a new contract or go somewhere else.

In the case of a tenancy, however, the tenant is often the weaker partner and not in the position to say, "Before I sign this lease I want to know who the devil your company represents, and who is behind it."

In the Ottawa area, where the vacancy rate is 1.8 per cent, one cannot say that because the landlord will simply say: "Mac, I do not want anything to do with you. You are asking too many probing questions. Why do you not take your business elsewhere and do not stay here and do business with us." Tenants are in a position where they have to take it or leave it. They have no recourse.

Once a tenant has transferred or moved into either a residential or a business property, he is in a very difficult situation. Other contracts, if broken, can perhaps be settled in the courts or by negotiation. The parties to the contract can take their business elsewhere, but it is a little tougher to take your business elsewhere if you have to move physically.

I happen to be in the process of moving physically right now because of a move back to my home in Ottawa. If I were in a situation of being kicked out by a landlord, or being dealt with unfairly by a landlord, I would be in a very weak negotiating position because of the number of packing cases I would have to assemble before I could actually pull up roots and go somewhere else.

This is not recognized in this bill. I spoke with the parliamentary assistant with respect to whether the government would be prepared to accept any particular changes. I am afraid the reaction I got was rather tepid. It was not even lukewarm; in fact, it seemed positively negative.

I subsequently had a look at some of the fine print of the bill. I would point out to the parliamentary assistant that clause 16(6)(a) of the bill indicates quite clearly that even the requirement that there be an address for service of corporations to which land is transferred is now being removed in the case of property which comes under this new land registration reform. It appears that it will not even be a legislative requirement that an address for service be given. That may be in the regulations but, frankly, the regulations are not the legislation. They can be changed at any time.

While I appreciate the government probably has the right to require that there be identification

of the beneficial ownership of corporations which register, or take a transfer of land in Ontario, the history of this government has been that if it is not in the legislation, it is not prepared to do it. We have had this kind of land registry system for 140-odd years in Ontario, and this Conservative Party which has had many decades of opportunity to make these reforms, has not done so.

That indicates to me that it is not particularly interested in the rights of tenants, in the rights of ordinary people and in the rights of small businessmen and businesswomen, who are the people most affected by this corporate nondisclosure which is a feature of this particular bill.

I would recall to the parliamentary assistant that the rent review tribunal has dealt with this case as well. Eventually in some cases, it basically ruled it is helpless when it comes to deciding whether or not arm's-length transactions have taken place which should justify the possibility of an increase in rent because of the increased cost of running a property.

Let me put to you, Mr. Speaker, the kind of thing that can occur now entirely legally and which is not stopped because of the amendments in the land registration system proposed here. Owners of apartments can decide they are unhappy with the return they are getting on their property and blame it all on rent control. Rather than trying to do a deal with somebody else and dispose of the property, they decide they will try to find a way to evade the law and set up a dummy corporation they own.

The dummy corporation has directors who come from a law office, perhaps a legal secretary and a couple of lawyers. The incorporators are the founding directors. The real owner of the corporation is not revealed in any of the documents filed with the corporate registry in Ontario. That company then purchases the property at an inflated price and, having done so, proceeds to apply to rent review for a very substantial increase in rents, based on the need to carry increased mortgages, increased financing costs and those kinds of things. The members of the rent review tribunal are in a hopeless position because they cannot pierce the corporate veil. Even if they smell a rat and know something is wrong, they probably cannot prove it.

As far as the tenants are concerned, as members probably know, they are reduced to scooping up letters off lawyers' desks to find out what is really going on and listening to gossip from the superintendent. They take in circumstantial evidence that the superintendent has not



changed, the people who provide the oil have not been changed, the people who do the major repairs have not changed, and the same landlord seems to be coming around from time to time, even although the ownership of the place seems to have changed. That is all circumstantial evidence and they cannot pierce the corporate veil to establish whether a legitimate transfer has taken place.

These days there are probably too many lawyers running around Ontario looking for ways of making money. One of the things they are doing is concocting innovative and, I sometimes think, very questionable schemes to enable their clients to try to make more money. One of the things they are doing is finding new and innovative and, I suggest, often sleazy forms of land ownership or land transfers that would permit their clients to make money, often at the expense of sitting tenants who have been protected up until now by rent review.

The government is failing to address this situation, and in this particular case is condoning that kind of low-life activity. It does so at the expense of ordinary people, who are hanging on to their accommodation in places such as Ottawa or Toronto right now, but who are threatened by that kind of questionable activity, which, frankly, I believe the government surreptitiously supports.

I would point to one final case which I think affects the taxpayers very directly and should have been addressed in this bill. As the parliamentary assistant pointed out, the Polaris scheme has been under study since 1971 when there was a report from the Ontario Law Reform Commission recommending major changes in the land registration system in Ontario. Over that period, one would think that questions affecting the taxpayers might somehow impinge on what the government wanted to do, but it seems to me that is not the case at all.

We have no indication of how much this is going to cost or save. In addition to that, I draw attention to the fact that the Canada Deposit Insurance Corp. has now allocated \$650 million to bail out the losses it has incurred on trust companies, almost all of which were operating in Ontario and were involved in the great trust companies caper of a couple of years ago. The trust companies caper was largely due to inadequate regulation by this province and this ministry. It occurred in part because of the failure to be vigilant and the failure to pierce the corporate veil and find out which numbered

companies were doing what to whom in terms of ownership and transfers of rental property.

**5:50 p.m.**

Even the loss of \$650 million was not enough to persuade the government it should at least reconsider the failure to balance a reform of the land titles system with a reform of the disclosure requirements, which would be entirely appropriate given the changing nature of ownership between the 1840s and today.

I am not even sure whether I will have a chance to say many more words in this Legislature because I hope to be in another place by the fall. I would just say that, when I came into this Legislature back in 1971, one of the key issues that concerned me was to ensure an adequate balance between the rights of owners of land and the rights of people who were tenants, in a society where, for a large proportion of the citizens, tenancy had become a way of life by choice or by necessity.

It is interesting and perhaps ironic that I should be having to raise this question today in June 1984, almost 13 years after I first came into this House. The attitude of the government today is no different from the attitude of the government back in 1971.

From time to time, it can and will be forced into acknowledging that people beyond the owners of land have rights. It is a grudging acknowledgement arrived at with difficulty, mainly enforced at a time either of strong political pressure, as in the 1981 election campaign, or at a time of minority government when it is prepared to listen more closely to points of view being put by people on our side.

It is certainly a fact that in the theory of ownership, whether we are talking about the ownership of land or a corporate ownership, there is a great deal more acknowledgement today than there was many generations ago that ownership is not an indivisible right. Ownership carries responsibilities as well as rights and privileges. Those responsibilities have to be recognized not just by custom and tradition, but also in the law.

We have passed a number of laws to limit and constrain the rights of owners of capital investment. For example, people who have manufacturing enterprises have to adhere to health and safety legislation, tax legislation and so on. We have done the same thing with certain aspects of ownership such as through the Planning Act which puts planning and zoning restrictions on the use of land.



We have not done so, however, when it comes to the question of disclosure; either disclosure of the activities of private corporations, which are almost totally immune to disclosure in Ontario, or, it would appear, of disclosure of the activities or essential ownership of corporations that happen to own land. I will talk a bit more about this when we come to the committee stage.

Let me serve notice, however, that as far as our party is concerned, this is an important issue and one to which the government should give very serious consideration. It is not good enough to computerize a system that was conceived in the 1840s and 1850s but which otherwise has essentially not been changed.

**Mr. Cunningham:** Mr. Speaker, in the very few minutes left I would like to make a few comments on this legislation that indicate my very serious concern about a glaring inadequacy. That is the inability to deal with the increasing problem of foreign ownership of farm land in this province and this country. In my view, a number of documented cases have been raised in this House, particularly by the member for Huron-Middlesex (Mr. Riddell), our agriculture critic of long standing.

These cases indicate the government is very well aware of deficiencies in the legislation and in the administration of the legislation that enable, by way of a loophole, non-Canadians and nonresidents to acquire access to family farms in Ontario. They sometimes allow them to lie fallow, sometimes to remain productive in order to avoid the payment of land transfer tax and to escape the monitoring and control that many of us in this House feel would be in the public interest.

Quite often, these types of ventures are speculative and have very little to do with enhancing the quality of agricultural life. In my view, they contribute to a very dangerous trend and that is a movement away from the local, traditional family farm. When interest rates are too high and when commodity prices vary from year to year, it would be a great temptation for individuals to take a look at a very lucrative offer from offshore and even to be part of some kind of corporate vehicle that would permit one Canadian to remain on the board of a numbered company, avoid the transfer aspect and the payment of taxes to the crown and, more important, avoid the monitoring aspect that most of us, at least on this side of the House in the Liberal Party, feel to be most useful.

For my part I welcome legitimate Canadian investment in our country, particularly in small

businesses and in our corporations; but I believe this growing trend to foreign ownership of our farm land is an unwelcome trend and one that, frankly, we should do something to monitor. Unfortunately, this legislation does not address itself to that, and I think we are going to have more and more difficulties, particularly as farmers are finding it difficult to sustain themselves in the current economic environment.

With those remarks I hope the parliamentary assistant will take it upon himself to convey at least my thoughts as an individual member of the Legislature to his minister and to his friends in the cabinet with a view to seeing what we can do to bring in some legislation that will abate this very unfortunate trend in agriculture today.

**Mr. Riddell:** Mr. Speaker, as my colleague has indicated, I have expressed concern about nonresident foreign ownership of farm land, which this bill does not address, unfortunately.

I have talked about this for years. As a matter of fact, I introduced a private member's bill calling for the registration of all nonresident foreign ownership of land, which the government eventually decided to introduce two or three years after I had debated my bill in the Legislature.

Unfortunately, the business of foreign speculators buying our land has not been stopped by the registration bill. Shortly after that bill was passed, we dealt with the Land Transfer Tax Act, which tightened some of the loopholes that existed in that act and did require that nonresident foreign owners pay the land transfer tax.

But that was a bit of a joke as far as the nonresident foreign owners were concerned, because they felt the purchase of our land was one of the best investments they could make. They seemed to have all kinds of money in order to pay high prices for our land, and to have to pay a 20 per cent land transfer tax did not curtail their interest in our land at all.

So the practice is still going on; it will continue, I am sure. When we see a recovery in the economy and when the economies of some of these other countries start to pick up, the nonresident foreign owners are again going to be tremendously interested in our farm land.

They are interested in it for a number of reasons. As I indicated, they consider it to be a good investment. They are investing in a capitalistic country where they know the price of land will likely take off once again; it will increase in price, and there they are, sitting on something that is going to return them a tremendous profit.

But it is preventing our own young people from investing in this land. There are many young Canadians who would like to own and operate their own farms, but they have to compete against the big money from the foreign investors. They simply cannot pay the prices that the foreign investors are prepared to pay if they ever hope to meet their obligations, repay the mortgages and still make enough to live on when they do start to farm.

A typical example of what is taking place happened in my own riding, where there were three families operating a farm in Huron county. They were good farmers. The reason I know they were good farmers is I dealt with them for many years as the owner and operator of a livestock sales business in Huron county. These farmers did exactly as the government told them to do, did exactly as the banks told them to do, and that was to get bigger and more efficient or get out.

I can well recall a report that was commissioned by a former Minister of Agriculture and

Food, Bill Stewart, on farm incomes. The report called *The Challenge of Abundance*, recommended to farmers that they get bigger than they were and get more efficient or get right out of the business.

Those farmers did exactly that. They were prepared to borrow the money, to take the risk of buying more land and to become more mechanized in their farming operations. They got caught in the spiralling interest rates that took place two or three years ago. They are the very farmers who are now being forced out of business.

Twenty per cent of the farmers in the province produce 80 per cent of the food. It is the farmers within that 20 per cent who are going bankrupt and we have only seen the tip of the iceberg.

On motion by Mr. Riddell, the debate was adjourned.

The House recessed at 6 p.m.



## CONTENTS

**Monday, June 18, 1984**

### Statements by the ministry

McMurtry, Hon. R. R., Attorney General:

<b>Report on the Law of Trusts</b> .....	2525
<b>Highway traffic amendment bill</b> .....	2525
<b>Provincial offences amendment bill</b> .....	2526

Now, Hon. J. W., Minister of Transportation and Communications:

<b>Photographs on drivers' licences</b> .....	2524
<b>Rapid transit</b> .....	2524

Sterling, Hon. N. W., Provincial Secretary for Resources Development:

<b>Resources development statute law amendment bill</b> .....	2526
---	------

### Oral questions

Andrewes, Hon. P. W., Minister of Energy:

<b>Hydro rates, Ms. Copps</b> .....	2536
-------------------------------------	------

Brandt, Hon. A. S., Minister of the Environment:

<b>Stouffville dump, Mr. Peterson, Mr. Rae</b> .....	2526
<b>Stouffville dump, Mr. Charlton</b> .....	2537

Davis, Hon. W. G., Premier:

<b>Domed stadium, Mr. Rae, Mr. Peterson</b> .....	2530
---	------

Orton, Hon. K. C., Minister of Health:

<b>Stouffville dump, Mr. Rae, Ms. Copps</b> .....	2532
<b>Extra billing, Mr. Mancini, Mr. Rae</b> .....	2533
<b>Paramedic program, Mr. Cooke, Ms. Copps</b> .....	2535

Samsay, Hon. R. H., Minister of Labour:

<b>Electrical workers' dispute, Mr. Hennessy, Mr. T. P. Reid</b> .....	2536
--	------

Simbrell, Hon. D. R., Minister of Agriculture and Food:

<b>Tomato processing, Mr. Peterson, Mr. Swart</b> .....	2528
---	------

### Petitions

<b>Independent schools, Mr. Kolyn, tabled</b> .....	2538
<b>Family benefits assistance, Mr. Kolyn, tabled</b> .....	2538
<b>Sale of beer and wine, Mr. Boudria, tabled</b> .....	2538

### First readings

<b>Resources Development Statute Law Amendment Act, Bill 106, Mr. Sterling, agreed to</b> .....	2538
<b>Highway Traffic Amendment Act, Bill 107, Mr. McMurtry, agreed to</b> .....	2538
<b>Provincial Offences Amendment Act, Bill 108, Mr. McMurtry, agreed to</b> .....	2538
<b>Securities Amendment Act, Bill 109, Mr. Elgie, agreed to</b> .....	2539
<b>Technological Change Act, Bill 110, Mr. Cassidy, agreed to</b> .....	2539

### Government motion

<b>Interim supply, resolution 6, Mr. Grossman, Mr. T. P. Reid, Mr. Foulds, Mr. Boudria, Mr. Mancini, agreed to</b> .....	2541
--	------

**Second readings**

<b>Ontario Loan Act</b> , Bill 74, Mr. Grossman, agreed to .....	2540
<b>Land Registration Reform Act</b> , Bill 66, Mr. Elgie, Mr. Williams, Mr. Boudria, Mr. Cassidy, Mr. Cunningham, Mr. Riddell, adjourned .....	255

**Committee of the whole House**

<b>Financial Administration Amendment Act</b> , Bill 88, Mr. Grossman, Mr. Foulds, reported .....	2540
---	------

**Other business**

<b>Prime Minister elect</b> , Mr. Davis, Mr. Peterson, Mr. Rae .....	252
<b>Response to questions</b> , Mr. Wildman .....	253
<b>Tribute to Alex Baumann</b> , Mr. Foulds .....	253
<b>Recess</b> .....	256

**SPEAKERS IN THIS ISSUE**

Andrewes, Hon. P. W., Minister of Energy (Lincoln PC)  
 Boudria, D. (Prescott-Russell L)  
 Bradley, J. J. (St. Catharines L)  
 Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)  
 Cassidy, M. (Ottawa Centre NDP)  
 Charlton, B. A. (Hamilton Mountain NDP)  
 Cooke, D. S. (Windsor-Riverside NDP)  
 Copps, S. M. (Hamilton Centre L)  
 Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
 Cunningham, E. G. (Wentworth North L)  
 Davis, Hon. W. G., Premier (Brampton PC)  
 Eakins, J. F. (Victoria-Haliburton L)  
 Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
 Foulds, J. F. (Port Arthur NDP)  
 Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
 Hennessy, M. (Fort William PC)  
 Kolyn, A. (Lakeshore PC)  
 Leluk, Hon. N. G., Minister of Correctional Services (York West PC)  
 Mancini, R. (Essex South L)  
 Martel, E. W. (Sudbury East NDP)  
 McMurtry, Hon. R. R., Attorney General (Eglinton PC)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Norton, Hon. K. C., Minister of Health (Kingston and the Islands PC)  
 O'Neil, H. P. (Quinte L)  
 Peterson, D. R. (London Centre L)  
 Rae, R. K. (York South NDP)  
 Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
 Reid, T. P. (Rainy River L-Lab.)  
 Riddell, J. K. (Huron-Middlesex L)  
 Rotenberg, D., Acting Speaker (Wilson Heights PC)  
 Ruston, R. F. (Essex North L)  
 Snow, Hon. J. W., Minister of Transportation and Communications (Oakville PC)  
 Sterling, Hon. N. W., Provincial Secretary for Resources Development (Carleton-Grenville PC)  
 Stevenson, K. R. (Durham-York PC)  
 Swart, M. L. (Welland-Thorold NDP)  
 Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
 Treleaven, R. L., Acting Chairman (Oxford PC)  
 Turner, Hon. J. M., Speaker (Peterborough PC)  
 Wildman, B. (Algoma NDP)  
 Williams, J. R. (Oriole PC)











# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Monday, June 18, 1984

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC



## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, June 18, 1984

The House resumed at 8 p.m.

## CHILD AND FAMILY SERVICES ACT (continued)

Resuming the adjourned debate on the motion for second reading of Bill 77, An Act respecting the Protection and Well-being of Children and their Families.

**Mr. R. F. Johnston:** Mr. Speaker, we left off the other day discussing the act and its principles. I would now like to move to a section which has been causing a bit of controversy of late. It has to do with the enunciation of powers by the minister with respect to agencies and societies in the province that receive funds from Ontario and provide services under grants from the ministry.

There has been some concern raised by agencies about the enunciation of revocation and takeover powers in the act. It is a little ironic that this is the case. Last year we saw a number of interventions by the Ministry of Community and Social Services without these powers being enunciated as they are now. One case was Beechgrove in which there was a need for involvement. There was a consideration of involvement, although it was never acted upon, nor needed to be acted upon, in the Sarnia Children's Aid Society situation. There was the takeover of the Family and Children's Services of the District of Kenora. All that was done outside of this act through the minister's authority as Minister of Community and Social Services and through an order in council.

The agencies are concerned because in the revocation powers enunciated by the minister they see pretty sweeping powers to revoke or suspend the approval of the association. In the case of a society, the minister has the power to revoke or suspend the designation, to remove any or all the members of the agency's board of directors and appoint others in their place, or operate and manage the agency in the place of the agency's board of directors.

Those powers would be expected within the notion of accountability; in fact, it should be the right of the ministry that provides funds and provides set standards. What people are rightly concerned about is for what reasons the minister might move.

Although a minister can move because a society is not providing its basic mandate—I will go into that a little bit in a minute or two—he can also move because a director or the agency has not fulfilled the nature of regulations governing the agency, regulations we do not yet see. We do not know their extent or the discretionary powers therein.

There is some talk about an appeal or hearing mechanism in the act, but it is unclear how it will be moved on. Before this session is over or before hearings on the act are finished and we go to clause-by-clause consideration, a lot of us hope to see some refinement of the wording to provide a more specific notion of the process and to provide more faith in our organizations. The reason I say that is the Kenora incident caused a great deal of concern, although there has been little information available to us on it. For the first time in many years, a children's aid society was moved on. As I recall, it was the first time for the reasons given.

It has since come to my attention that we have reason to suspect the real motives behind the takeover. In trying to make my point tonight about the concerns these agencies have about undue interference by the ministry and the possible misuse of discretionary powers, I would like to get into an analysis of what happened in Kenora and why the ministry moved, using documentation not available to the committee at the time of our meetings last January when I brought it up before.

To put it in context, I will start with the news release by the minister on January 18 this year. The minister said it was "regrettable but unavoidable"—

**The Acting Speaker (Mr. Cousens):** Does this pertain to Bill 77?

**Mr. R. F. Johnston:** I presume the Speaker was listening to me as I was speaking.

**The Acting Speaker:** I was trying to, but you are getting into an incident of the past and not of the future. Does it tie into Bill 77?

**Mr. R. F. Johnston:** I am speaking about section 23 of the bill on page 15 and the sections following that on the revocation powers of the ministry concerning agencies or children's aid societies to which it gives funding. I am



concerned about the extent of the powers of the ministry and how they are being enunciated. I would like to make a connection between a specific takeover the ministry was involved in last year and this bill as it now reads to indicate some of the problems I see forthcoming.

The case I am dealing with is the incident of the takeover of the Family and Children's Services of the District of Kenora. On January 18 of this year the minister indicated it was "regrettable but unavoidable in light of the long-term and serious problems of the society." The news release said, "The review showed problems were serious enough to have led to a situation in which a number of children were at risk because of the agency's procedures." They were forced to act.

The matter of the children being at risk is very important and that is why I would like to focus on it. Under this new act, none of us would say to a minister he should not move when he sees children at risk. Section 16 says the rules of the society are to "protect children where necessary." If children were seen to be unprotected, the minister should have the right to move. In press statements during that period, the minister and the deputy minister continually talked about people being at risk.

**8:10 p.m.**

This is from a Globe and Mail article on February 18: "Deputy Minister Robert McDonald said while the review does not say certain children were at risk, the fact that the files were incomplete in 43 per cent of the cases and the senior management was not correcting problems meant children were in danger."

That was a reinterpretation of a statement that children were at risk and the giving to the Globe and Mail reporter of a report from 1982 about alleged cases of children being at risk at the agency. I will come back to that to show that was not the reason the ministry moved.

The first article on January 24 by Sylvia Stead in the Globe and Mail reads as follows: "A government press release said the action was needed because children were in danger of abuse because of the agency's procedures. Internal ministry documents obtained by the Globe and Mail show that a review of the Kenora society found four cases in which abused children were left in their homes at high risk and another seven cases in which children were in danger of abuse in their homes."

The connection was being made that the situation was continuing, the children were at

specific risk and the ministry was forced to move.

Let us look at the situation in which the minister moved. In December 1983, he received a verbal report on an operational review that had been long overdue. In my view, as I will show through the process here, it was delayed by ministry inaction. We finally received the operational review in February 1984. It was summed up in verbal form for the ministry and alarmed the ministry to such a degree that it felt it had to act. It would not meet with the board of directors in the end. The situation was so dire, so serious indeed that it had no choice but to move.

Even that review team indicated there were children at risk. The executive summary of the report stated, "The ministerial review identified problems which resulted in children being at risk," and concluded it had to recommend that senior management be replaced. Another reason given was that there was such dissension within the board itself that the president and a number of others had actually resigned and the board was in pretty serious shape. I hope to bring forward some of the reasons that board was in fairly serious shape in terms of its relationship with the ministry.

An operational review was done in November 1983. It is a snapshot of what an agency is like over a month, done by four outside people. I would not say those people were particularly biased, but putting it in the context of another report I have, it was not a very competent undertaking.

Of the five people involved in this process, three were from the ministry. When we see the kind of relationship that existed between the ministry and its economic policies towards the board, we can see why that might jeopardize the kind of report that would be coming back. Besides that, there was a gentleman from the North Cochrane District Family Services and a consultant from DPA Group Inc. in Toronto.

This is what they based their review on. This is very important. This ministry decided it should close down the operations of a board, put in its own senior administration, replace that board and shove it aside. This is what it based its information on: "Files were selected randomly from a computerized list. In all, over 80 files were reviewed in detail while many more were reviewed briefly."

It is true they talked to a lot of staff. There are anecdotes throughout regarding the attitudes of staff. There are a number of recommendations, some of which seem quite serious and damning



and some of which seem incredibly trite. They are just basic little things such as item 29: "A strategy for rendering a simple set of useful operational statistics from the computerized information system should be developed. This could grow into something sophisticated over time, but should start with some basic indicators."

There are many more serious kinds of matters as well as an awful lot of economic and financial considerations, but there is nothing of any substance that talks about children at risk.

I would like to compare that with a report done by consultants in October 1983—these consultants had been with this board, some for a few months and some for many months—and what they said about the board. First, let me talk a little bit about what they based their report on besides this long period of time working along with the staff of the Kenora CAS. They said:

"As well, the findings are based on an intensive review of over 300 files, a re-review of over 50 cases and a case audit conducted by the supervisors and staff of a further 700."

That report, produced by Frederick Funston and Associates and provided to the board on October 12, 1983—less than a month before the operational review went into practice and obviously ignored by the operational review team as it went in—listed pages of accomplishments and improvements of that board over the past year.

They had developed in-service planning and delivery, standing goals and objectives, quarterly case audits, recording and court reporting formats, quarterly service plan progress reports, significant improvements in intake, investigation and emergency response, child abuse case management, adoption and crown ward care, court case management and administration, foster home studies, the Birchcliff program review—Birchcliff is the receiving home in the area—and a study of foster placement breakdown. That is just one little section of the things they say they accomplished.

I will come back to that because, when one has this written by people who have been involved so long with that agency, which surely the ministry knew about, and a verbal report by people who have been in there for less than a month, I think it is interesting to know why this ministry felt it had to move and why I felt it had to put up the notion that kids were at risk when since that time not one child has been brought forward as being at risk.

We were told by ministry people at the hearings that there were two. I looked into the matter and found that one was in care and the

other was over 16 but was receiving care and treatment. No child was identified.

To put it in perspective, this is an agency that is dealing with one of the largest single problem areas in the province. It has a history of all sorts of difficulties, numbers of native kids in care and that kind of thing. I did not find any of this in that statement of remarkable progress by that board.

What is all this business about children being at risk, which we were supposed to be so concerned about, which was the reason a government should move on an individual agency and which we now want to put in even more definitively within this act?

In 1982, a brown paper envelope was sent to the ministry expressing concerns about abuse. The ministry rightfully moved on it, as it should have. There were allegations that 11 or 12 children were abused or at serious risk, as I noted in the initial quotation from the *Globe and Mail*.

I do not know why the *Globe and Mail* was not told about the assessment that was done in 1983. I do not know why the ministry somehow felt it was important to give them information that was two years old instead of an assessment that was done less than a year before.

I have a report here, dated May 6, which was provided to the staff of the agency by Mr. Garry Norris, who has since been relieved of his duties at the agency because of his failure to communicate with his staff, amongst other kinds of things, I have heard. There is a very nice covering note to the staff congratulating them on the work they are doing.

**8:20 p.m.**

This is a report filed by a ministry consultant, one of the ones who was involved in the writing of this report, in which he says the following about those cases:

"Eleven of the 12 cases identified as child abuse by the ministry's review team, which were served from the Kenora office, have been reviewed. In eight of the 11 cases the children involved were or are now in care of the society." This is the important part, and I do not know why the *Globe* was not told. "It should be noted that of the 11 identified cases, there is disagreement between the society and the ministry's team as to whether child abuse or serious neglect existed in six of the cases. From my review, I am in agreement with the society's judgement."

Why did the minister not give that to the *Globe*? Why did he not say that an outside, competent reviewer indicated the ministry's assessment of the neglect was wildly over-estimated? Why did he not do that, and why did



he not consider her recommendations further when he decided to close this place down? I have more information on this, but I have too much information to go through it all.

There are a number of things raised here. One of them is the whole question of the finances of the society. I believe that is the real reason they took this place over. The management there was saying: "We have an enormous problem and you are not recognizing it in funding. Even if you gave us a major increase the year before and you provided us with consultants, this is an enormous problem area." The ministry did not want to see that continue and did not like that difference of opinion.

What kind of support did they get from the ministry? I happen to have some minutes here from the children's aid society. On April 11, 1983, it was minuted that the 1981 budget was finally approved. All the way through the minutes we are talking about there are statements about trying to get on with program plans and budget plans for that year and about the lack of response from the ministry. This is a two-way street in terms of the economic relationship and responsibility between an agency and the ministry. The ministry must also provide its support and its share of assistance.

The members will see more of that when we come to look at the delays that were involved in the appointment of the team for the operational review. They were not given the support they should have had.

However, what follows is the strangest item in all the information I received counterposing the fears and the concerns of this ministry—which talked about children at risk from 1982, let us remember that.

In May 1983 a concern was raised, because of interviewing done by a *Globe and Mail* writer, that there might be another story out about the Family and Children's Services of the District of Kenora. A joint press release was written which never had to be used because the story never appeared. It stated as follows:

"The ministry has recently completed a follow-up inspection in order to evaluate the progress the agency had made in addressing the original recommendation." This is on the problems of child abuse in the year before. "The inspection determined that the agency had achieved the majority of the actions required to implement the recommendations. Policies and procedures have been developed and were found to be in place generally throughout the agency."

This is a very strong statement of support. It is interesting that when they decided to take it over, they went back to things that took place the year before which they say are still endemic. There is this agreement between the agency and the ministry.

**Hon. Mr. Drea:** Whose press release?

**Mr. R. F. Johnston:** It was a joint press release, as I understand it, from the Ministry of Community and Social Services and the society. The minister may deny it. I will leave that up to him later on.

At the June 6 meeting, the initial service plan draft on operations for that year was introduced. There would be a report to the June 11 board meeting. At that meeting, it is minuted, "Dan Rooney from the Ministry of Community and Social Services will attend the August 15 executive meeting to discuss the September operational review and for signatures on the contract." There is a contractual relationship between the ministry and the society. "All board members will be invited to attend." We have learned that they never got that review in operation until November.

There is an awful lot of talk about the lack of action in terms of the native community. Although we can say the society did not do all we wanted or would like to see it do in terms of providing more controls for native groups, in the minutes of that June 11 meeting we have a resolution presented to the board that it establish an ad hoc committee composed of representatives of the native community, a native advisory board. That was in June 1983.

As we will see later on, the board took a number of other actions to try to increase native involvement in the organization.

On August 15, there is an interesting minute: "Terry White, program consultant, and Rick Bourgeois, co-ordinator of operational reviews, CS, from the ministry were in attendance." It says here: "Contrary to our expectations did not have a firm statement concerning the review team; requested the agency to provide a name for the team leader position; did not have résumés of prospective team leaders and was unaware that the time frames were attached as appendix D, and this information had been in Toronto since June."

Also, there was a lot of talk that one of the society's major problems was that it did not do much media work and community relations with its local community. There is another minute I noticed here about it starting to issue news releases to the media after meetings.



As late as October 11, there was a letter to Terry White and K. Barber concerning negotiations for a service plan and the October 18 meeting they were going to have; that has still not taken place. There was a letter received regarding a change in the team assistant to the operational review team. The agreement has been signed and returned to the ministry but no starting date has been established. That was in October 1983. That is the co-operation and support this group received from the ministry.

This report, which called on the agency to be taken over, points to an awful lot of difficulties. This report that I talked about with the consultants in October also spoke about difficulties, but it talked as well about an awful lot of accomplishments.

One would think, reading the operational review report, that nothing had been done at all in terms of systematizing the information in the agency. I thought that was strange, because when I was in Kenora in September the agency showed me a lot of new computerized information it had which, as I recall, had a very tight rein on the abuse cases in particular.

On page 5 of the Frederick Funston and Associates report in October, we find out that the case management information system has been computerized and is being brought up to date. The manual for both personnel and finance is being developed as a framework for the continuing development of these policies and procedures.

An example of the service audit done by computer is included in the report. There is a lot of talk about uncompleted files and the problems of intake workers in the Kenora office in the operational review. Yet this report by these people who were there for months says on page 7, "As of the end of June there were no cases open at intake in the Kenora office longer than 21 days." That is not a bad record.

There has been action in adoption in crown ward care. Training programs were proposed for implementation concerning all workers throughout the district. It makes it sound here as though the agency had never even thought of doing that, that it had never been proposed to it, that it had never accepted the idea; and yet here it is in this other report from a month earlier.

What kind of a snow job was this? Why were they sent there? Why did they come through with such a damning, nonwritten report which then allowed the ministry to proceed?

8:30 p.m.

The receiving home at Birchcliff, which I talked about before, had some very serious safety problems, especially in terms of fire. That was recognized by all involved. There was a call to action on that, but it was minuted back in May and June that they knew of the problem and were trying to get assistance from various people to improve the physical standards of the building.

The improvements that have taken place in the operation of Birchcliff are totally ignored in this operational review. The consultants' report stated proposals were moving along very well and that the staff had developed detailed work plans for the improvement of recreational programs. A review of files conducted by the consultants indicated the Birchcliff files were probably the best child care files in the agency.

That does not come through anywhere in the operational review report. It makes it sound as if the board has never done anything on foster care, that it has not looked at it at all. I can point back to the minutes from June and the early summer of 1983; meetings that board members had with foster parents on the development of an association. The consultants' report reflects that and talks about a foster care staff task force being established and the attempts to establish a foster care association.

"The society has stepped up its foster parent recruitment," it says. "There are campaigns through radio appeals and newspaper advertisements. There has been a film on permanency planning and the importance of proper, lasting care for the children"—which they rave about in the review.

The report indicates the members of the board recognize the need to serve the northern isolated native groups more effectively. It is here in the consultants' report. In the operational review, it is as if they have not even looked at it. One really has to question what was behind it.

The operational review claims board members did not do any work on community and public relations, yet the consultants have a whole page of information on this analysis which indicates they have been doing an awful lot and were going to do more. All was not sweetness and light, and they admit that was the case; but when one looks at the operational review's attack it makes one think that perhaps senior management never even spoke to the staff, that they had no involvement at all in any of the decisions taking place in the agency.

That runs totally counter to the consultants' conclusions that staff has a clear voice in these



continuing developments. I will read the conclusions of the consultants:

"The society now has defined standards of service, a method to measure the quality of service, a framework to determine the need for additional staff, a plan for improving service, a plan for measuring progress towards those goals. Staff have a clear voice in these continuing developments. They have the opportunity and they also have the responsibility to provide input. Staff now have input through task groups, the in-house newsletter and the communications group; the clerical staff are now involved." These are all indications of improvement.

If that is not enough, there are another three pages which I will not bother to go through. There are seven pages of all the work the consultants did with the group with respect to the kinds of presentations made to the board and to committees. Then there is a proposed review, a schedule of things the agency must do to bring itself up to the proper levels of service we expect in Ontario.

The question remains unanswered: Why did they move? Why did they accept a verbal report and not this written report? The information that was minuted should have been accessible to the ministry, as it now has been made accessible to me.

I will state the reason. It was a conflict between a number of people on the board and, specifically, with senior management and ministry officials. There was a desire by the ministry to try to clamp down on the financial operations of that board. If we look at what it has done since it has been in there, it has been a major emphasis on financial control.

It grabs the petty cash recommendations out of here and enforces them magnificently, but I suggest very little that was not already in planning and being worked on by local people has been done with respect to the care of children. Very little has changed. To take over an agency, to move in without a hearing, without a right to appeal, as the ministry did, makes one wonder what we are in for with the new act. It was unstated before. It was in the capacity of the Minister of Community and Social Services to do what he did, to get an order in council.

Now that we have this in the act, we want some controls and we want some evidence put before us as well as an appeal process that is guaranteed before ministries start moving in and messing around with local autonomy: otherwise, take them over and make them government-run now. If the government does not do that, it has to come

clean with the people we are asking to go out and provide the services, who are doing so at rates that are probably cheaper than we would provide them in direct service by government. They are doing it in this fashion, cheaper, quite often because they are under financial constraints from this government.

Until we get these kinds of changes in the act, I am afraid all the government is doing is providing a licence for more Kenora operations for the kind of sleazy takeover we saw this February. We saw a takeover because there was a conflict between management and ministry personnel, because they were not setting a good example, as far as the minister was concerned, in financial accountability, whatever that means. That is what it was about, and yet it was sold as a matter of children being at risk.

People like me had to say, "Well, if kids are at risk, go ahead and do it." We then got sold a bill of goods in committee. I said, "It looks as if they have justified their case." But as I now go over the real records of the time and see what the agency was trying to do and what the consultants who were working with them were doing, I have to believe I was taken.

I was taken just as much as were people of Kenora and that district, who now should wonder what kind of new agreement they should develop with the ministry. No matter who the new board members are and how well they seem to be doing at the moment with the government, they should wonder at what time at the whim of the minister with an unwritten report, with no substantiated cases of major abuse, will he not only move in for some strict accounting controls at a three-month or six-month period, but also wipe out all senior management, destroy the board totally and take over that agency.

It is time for the minister to say he will set up a very open process of mutual accountability in this process, one that is guaranteed and not done just at the whim of the minister hiding behind the statement that, "We cannot give you the facts on child protection cases because we cannot identify any kids." This is a wonderful thing to hide behind, but in this case there were no kids needing protection whom the minister had to hide from us.

The next item I would like to deal with is the question of the residents of the long-term facility. This is in sections 35 through 37. I said at the beginning of my remarks that we have good due process procedures now for protecting the rights of kids who are being taken in by children's aid societies to make sure they are not being



improperly snatched, which is the term often used.

We have procedures now to guarantee that children who run afoul of the law are protected and have rights to legal counsel and all sorts of due process before they are incarcerated. Yet when we have children who are mentally ill and disturbed, or who are thought to be mentally ill and disturbed, we cannot provide them with due process.

We have instead a system of a residential placement advisory committee, which reviews the case of that child only once he is in the institution. We have waiting lists for children's mental health centres now that range from a year to two years. It is very difficult to get your child in unless it is an emergency.

8:40 p.m.

Yet if we brought in any kind of framework whereby before that child is placed there is some kind of review of it, where it is not just a decision made by the agency which perhaps wants to fill a bed or of parents who are desperate because they cannot handle their kid anymore, it may be known to be a totally inappropriate place for that child.

Instead, we have a system where it states that within 90 days of the day on which the child is placed in the institution there shall be a meeting of this review committee to see if that child should be there. What do you think about that, Mr. Speaker?

We are talking about kids between the ages of 12 and 16. A 12- or 13-year-old child, confused, disturbed to some degree or other, can be incarcerated for 90 days in a mental institution. That is what they are. They are friendlier places than the large institutions we have in society for the adult mentally ill, but they are mental institutions. Three months will go by during which that child will be in there; three months before this review board must look at whether or not that was an appropriate placement. That is incredible.

The only exception to that is something which has been added to the act this time which is useful. That is, if there is a child who has the wits at the time of placement to object, then within 14 days of the child being placed there must be a review. There is no guarantee the child's wishes will be taken into account; but that is another matter, we can deal with that later.

Why do we not have a process established for all these children, except those emergency cases, so they will be screened before they are placed?

There is a plan right now, operating in Hamilton on a voluntary basis, where there is that pre-placement review. In that process, two-thirds of the children are not placed in residential facilities. Only one-third is streamed into the children's mental health centre.

Why do we not put into law that, except in emergency situations, that will be the case? Why send those kids into the institution, compound their problems and reinforce the agency's desire to have them stay? Why put all that power into even the best, most well-meaning agency?

They will have the ear of the review committee, if they say, "We really believe this child should be there. We can document over the last three-and-a-half weeks some strange things this child has done," or whatever they are going to say. Why do we not do it in advance? Why has the minister not acted in terms of that basic sense of due process? I find it mind-boggling that is the case.

Presuming that a child is dissatisfied with the review committee's decision that he or she should be there, since this is only an advisory committee, he can request a hearing by a board that is now being established. The board shall, within 10 days of receiving the child's application, state whether or not it intends to hold a hearing. The hearing is not a definite thing that will take place just because a child or parent may request it; it is not absolutely necessary.

If they decide it shall take place, within 30 days of receiving the child's application it must make a determination. If that child has not been up to complaining about his placement in the first place, before he was admitted, but it comes up at his first hearing that he is not satisfied or is not satisfied with the results of that first hearing, a child could be there for 120 days before getting an answer.

If this board turns out to be anything like the Social Assistance Review Board, having a limitation in the act stating that it must report within 30 days will mean nothing. It sure does not mean anything to the Social Assistance Review Board. It sometimes takes 50, 60, or 100 days to rule on the cases of some of our most hard-pressed citizens.

We have to speed up the process. We have to front-end it and speed up the question of how quickly we are going to do assessments of the children already in there. There is no guarantee of legal representation at this board. All the way through the act, and in other places, there is a concept of due process, of a right to a hearing.

I know it worries some of the clinicians, but in this day and age it is important to have a balance of some sort with the rights of children being taken into account. I am hopeful we will have a change in that portion of the act before it is finally passed. I think it is inconsistent with the philosophy of due process as it is couched in the rest of the act. We should surely be coherent.

I have a concern about some letters we have been receiving of late. I do not know if you have had any, Mr. Speaker. I know my colleague the member for Sudbury East (Mr. Martel) has received some. They are from people who are concerned about the definition of a child in need of protection in this act and about the powers of the children's aid societies. Through their correspondence and calls they suggest the powers of the state to come in and snatch children are somehow being enhanced. I want to state very strongly this is not what the act is about. I want to put it on the record that I do not believe that is what this act is all about.

Members of the committee who dealt with this know, as do all the people from the ministry who tried to draft this act, it is virtually impossible to strike the perfect balance between the right of the state or society to intervene in the best interests of the child and the need to support families and their right to nurture and raise their own children. Finding that balance requires the wisdom of Solomon.

We made a couple of changes to try to bring about more of that balance by requiring that substantial risk of harm must be shown before a child can be seen to be in need of protection. I am very concerned that people think children's aid societies are in the business of snatching children indiscriminately. Very few children actually go into care or wardship out of the number of children dealt with. Those who do are usually either in extreme emergency situations or there is continued incapacity to provide the necessary supports to allow the family to maintain itself, however one defines that.

The idea that it is possible for the children's aid society to move in an emergency situation and not go to court for as much as five days to justify it must be put in the context of the cases we are dealing with. The children who die in child abuse cases are mostly under the age of three. The vast majority are infants. If a children's aid society worker were to find on a Friday night a child of 12 months being neglected to the extent that he or she feared major dehydration of that child and feared the child's life was in danger, that worker must have the capacity to move in and to take the

child to a place of safety, to get the medical assistance needed, and to justify that action before a judge at the earliest opportunity and no later than five days afterwards.

That capacity has to be left in the act. It is present practice and it is not being misused. Judges will certainly let agencies know if they are moving too indiscriminately in that area. Under the Young Offenders Act there is now no provision for a child under the age of 12 to be arrested for a crime. They no longer qualify which I think is a very progressive move.

**8:50 p.m.**

A child under 12 who is in trouble with the law for one reason or another may be taken by police officers to a police station while they find the parents or other people who will provide support. I think this is inevitable, although I have some concerns about the effect on very young children who may be in trouble and may be disturbed children.

I would just say it is not in the act, and I do not know if it can actually be written into the act, but surely we have to ensure that police stations, because they will essentially be repositories on occasion for these kids, have appropriate facilities for those children, that young children of that age are not kept in a place that would be threatening to them.

I think it is important that we move in this area. I do not know whether this should be done by regulation or just by a policy statement out to the Attorney General's office or the Solicitor General's office about providing that kind of facility. The more I hear about the circumstance or the possible circumstances of children being kept in a police station for some time, the more I hope we can make sure it is in the best kind of facility possible.

As I said earlier, I have some real concerns about the limitations in this case on the powers of a judge who does not wish to find a child in need of protection, but who believes the child may become in need of protection if certain actions are not taken. When a case is brought before a judge, a judge does have to look at such things as what actions did the children's aid society take in the quiet past: did it get a homemaker in, did it provide day care, did it provide all sorts of other kinds of supports. That is a good thing, and I am glad it is written into the act.

But after he makes a judgement on that child and finds the child not to be in need of protection by the definition, yet he has concerns about the risk to the child—perhaps he does not feel it is a substantial risk at this point, but there is a risk—h-



has no capacity under this act to order that day care be provided, or that a single father who has a child at home and who is not caring for it properly receive the training to enable him to cook properly for his child; there is no capacity to order appropriate service, and I think this is a deficiency in this act that should not go uncorrected.

I have some concerns—and I will just refer to this, if I might, on page 75 of the bill—about the whole question of the child's religious faith. We have improved the wording of this act so that we do not necessarily have a child take what was in the conceptual draft act, the religion of the father; rather, where it cannot be determined, what seems to be the religion of the family in general, or the mother, or whoever, may be taken.

Subsection 83(3) seems to me to be talking about a society that does not exist any longer in Ontario. It is not a society now that is divided only between Catholics and Protestants; it is a society now of many religions, many cultural groups. When I see the wording of the section:

"A Protestant child shall not be committed under this part to the care of a Roman Catholic society or institution and a Roman Catholic child shall not be committed under this part to a Protestant society or institution," and back and forth, "...and, where a child committed under this part is other than Protestant or Roman Catholic, the child shall be placed where practicable with a family of his or her own religious faith, if any."

I ask myself, is it not time we wrote in something about other religions that gives them the same kind of strength of protection. It may be that a small Tibetan community in Lindsay cannot expect this kind of protection, but it seems to me that if we think this principle is an important one, then we should be expanding the principle to relate it to other groups.

There are a number of contradictions in the act that I find strange. One that is most disturbing is the juxtaposition of extraordinary measures like electroshock prods, cattle prods, and the possibility of using them in aversive therapy within the act—that it exists under control—with the statement on page 87 that, "No service provider shall inflict corporal punishment on a child or permit corporal punishment to be inflicted on a child in the course of the provision of a service to the child." There is no definition of what corporal punishment is.

That prod could well be corporal punishment. Even a very severe holding down of a child—the mechanism of holding a child is probably the

safest in dealing with kids who are acting out—can be abused, can be violent and can be corporal punishment if it is done for three hours or if it is done after the child has been incited to act out so he can then be taught not to do it that way. That can be the case. That is not good therapy. In a sense that is corporal punishment. The juxtaposition of some of the extraordinary measures allowed in this act and the statement that there shall be no corporal punishment is passing strange.

I do not want to take up too much time since I am sure other members want to get involved with this very important act. I would like to spend a little time on the question of adoption. It is an incredibly emotional issue for all of us, but especially for people who have been involved in adoptive relationships, whether they are parents who have given up children, children who have been adopted or adoptive parents.

Surely we have come to a time in our society where we can have more openness and more consistent recognition of the right of adults to know. Surely the days have gone when information can be kept from an adopted child who has reached the age of majority, even if the birth parent wishes to meet that child or have him know about the birth parent, just because the adoptive parent does not feel he is up to it.

Some progressive changes have been made in this section, but we have not developed the idea that this is a two-party relationship at the time of majority. It is a decision between the birth parent and the child as to whether they will make contact. To ignore that in this day and age is wrong.

I have little doubt it will take us a long time to get back to this act. The idea and the basic consensus of our committee about having a provision that would affect children 18 years from now may have been the consensus of the committee, but I do not think it is in any way adequate. It is time to state the superior rights. In my view, they are the rights of the child.

I received a letter three days ago from a friend and constituent who heard the member for Scarborough-Ellesmere (Mr. Robinson), the member for Hamilton Centre (Ms. Copps) and me on Metro Morning. In my years here I have received many moving letters about unemployment and the economic hardships of people, but I have never received a letter that had the impact on me of this one. I would like to read it because it is vital that we hear the feelings of this person.

"Dear Richard:



"I have been meaning to speak to you ever since I heard you were on the committee looking at child legislation. I heard you on the radio this morning about adoption records, and I decided to write this time because you might have some interest in what I have to say.

"I am a step adoption. My parents were married in Scotland in 1936 and were divorced in England in 1947. I was born in 1942. A Canadian soldier married my mom after her divorce and the three of us emigrated and came to Toronto. After the two-year compulsory wait before an adoption, I was adopted by my mother and stepfather. My name was legally changed but my birth certificate, which was British, could not be amended.

**9 p.m.**

"My parents never told me that I was adopted or that my mother, who had never converted, was Jewish herself, the daughter of Jewish immigrants from the Pale settlement in Lithuania. My mother died in 1976. In late 1980, I discovered quite by chance news of my Jewish origin. By this time I was nearing completion of a degree in theology in the United Church heading for ordination.

"My stepfather, realizing that I would soon know everything, decided to show me my birth certificate, which I had never seen. In a three-week period in October 1980, I had two religions and two fathers. My world had shattered.

"With the help of my mom's family, we located my father in London, England, who, thank God, was still alive and well. He is now 75 years old. When we finally met at Paddington station, I knew I had come home.

"After three and a half years, I am still in intensive turmoil. Who am I? It is not a matter of philosophical speculation or a matter of lobbying. Those of us who are adopted, especially in the way I was, have been cut off from ourselves. We are dust blowing in the wind.

"Only those who have experienced this can know the impact of such revelations. I am not a WASP with Presbyterian grandparents. I am Jewish with a 5,000-year history and I am in the middle of a gentile-Christian marriage. If the truth had been known, how much different our lives would have been.

"Our children are all adopted. As I wrestled with my own infertility 16 years ago, I knew that the children who would be put in our care would be ours in the sense that we would have to learn from them and grow with them, be responsible for them, shape their values, do our best with

them, gifts and liabilities that we both have as persons who have never parented before.

"Well, I always knew, and my husband had too, that somewhere on their birthdays another mother was thinking about them and dealing with her own grief in her own way and hoping her child was okay. I do not know whether they will search or not. The youngest is seven and doesn't know his story, but the others know theirs. If they want to search, whether it hurts me or not, I will help them until they are satisfied.

"Please, Richard, fight to make the legislation open. We have the human right to know who we are. We are not the property of anyone else. Settle for nothing less than full disclosure and think seriously about what the British law about not changing birth certificates does. I would never have known the truth. Believe me, the truth has not made life easy, but it is the truth and it is better than the lie we all lived for so long.

"I understand that I cannot see my adoption file. A CAS worker dug it up for me when I found out and she told me certain things. That's my life, Richard, and I want to see what is on that paper. The worker has since left the CAS and says the records have since been sealed, but I want them. Since I know all the parties involved, since my stepfather has since died, can you help me? I am particularly looking for the spelling of a doctor's name.

"I didn't intend to write this much. I hope you can hear my pain. It is the same with others. It is hard enough to deal with trauma like this without the government standing in our way and saying the big no.

"When I went to Registry House in Edinburgh, I looked up my grandparents' death certificates and found the names and occupations of my great-grandparents. I cannot tell you the sense of rootedness that it gave me to know that my grandfather's name was Israel, that my great-grandfather's name was Israel. It told me where I came from and to whom I belonged, and it cost me five pounds to do the search, and I had a right in law to that information.

"Please, Richard, make it possible for us in Ontario to know who we are, and if you can help me in particular, please let me know."

She consented to let me read that tonight because, although it is so baring, she feels compelled to speak out and to hope that this assembly will respond.

This is not an easy issue. It is difficult for adoptive parents to let go. She knows that as an adoptive parent herself. There are a lot of adopted children who will not need to know, for



whom it will not be important. We know from the British experience that there are not many people who go to the registry. But for those people, like this constituent of mine, who need to know so much, how can we keep that information from them? It seems to me to be quite unthinkable.

In the hearings we have, whenever the committee meets and when this House comes back, I hope we will have a full debate of this issue, that we will discuss it in full and that we will find ourselves capable of moving more progressively than has yet been seen in this legislation.

There are a couple of other things I want to go over briefly and then I will yield the floor.

First, I want to talk about disclosure of records and confidentiality of records. When we look at that section, it looks quite positive. A record is defined fairly loosely, and it looks as if all of us, but children in particular, have the right to have access to information about us; but then we start to go through the limitations on what kind of records are available to us.

I suggest there is one limitation we need to look at seriously; it is under clause 163(2)(f), the definition of a clinical record, which we have borrowed from subsection 29(1) of the Mental Health Act. A clinical record under that act is defined as one that is a record of a patient which is determined to be of a clinical nature by a worker in that establishment.

It is quite possible for a file to be labelled clinical by a mental health worker in a children's mental health centre and to include information that is not of a basic medical nature but which cannot be provided because that would disrupt the integrity of the patient-doctor relationship.

As a result, for children in a children's mental health centre, as they go through the process of wanting a review of how they have been treated, everything about them could be in that file and therefore not made available to the review body that is established under this act. Surely that would defeat the whole purpose of trying to give people access to information and to provide them with a capacity to make an argument for improper placement or that they are being inadequately dealt with in an institution.

I ask the minister to please look at that section to see whether the wording can be changed so as to come up with our own definition of a clinical record that would not put us in that kind of situation.

The last thing I want to mention deals with what I have already termed the most positive aspect of this act, and that is the section dealing

with native rights, part IX, sections 191 through 197, and the other items involved around Indian and native rights.

I recently reread the documents submitted to the ministry by the Chiefs of Ontario on April 18, looking at the wording they had used and the approach they had taken in that act. I want to raise a couple of concerns in which I see a veering away from the thrust of one or two of the things they said. They may not seem important, and the minister may not even hear from the chiefs themselves on this; it may not be something which they would draw to his attention.

**9:10 p.m.**

Leaving that specific section and going back to the definition of the best interests of a child, the wording of subsection 38(3) concerns me a little because it gets away from the notion of the separateness of the Indians as a group. It says:

"Where a person is directed in this part to make an order or determination in the best interests of a child, the person shall take into consideration those of the following circumstances of the case that he or she considers relevant." Then there is list of things that he may or may not take into account.

What concerns me about this is that one of the things that would then be discretionary to be taken into account would be paragraph 38(3)5, which is: "Where the child is an Indian or a native person, the importance, in recognition of the uniqueness of Indian and native culture, heritage and traditions, of preserving a child's cultural identity."

If that is going to be in a list of things that may be taken into account, the person determining the best interests of the child could take nine of the 10 and not choose that one. I would suggest that what the Indian chiefs were saying was that their Indianness is of such vital importance that it should be separated out from this section and made a clear section on its own; that, besides those other items, when a native child is involved, cultural identity must be considered. Surely that would be more in keeping with the nature of the way we have established the section on native autonomy and on their capacity to have their own child welfare agencies.

I find it even more disconcerting that the same wording is used in subsection 130(2) under "Adoption." I think this is something we surely do not want to see. We are determining the best interests of a child in the case of adoption and we have seen what our past practices of having encouraged white adoption of native children has



done to native communities and to many of those native children.

To list this as one of the things that may be looked at, to say that "the person shall take into consideration those of the following circumstances...that he or she considers relevant," to say that he or she has a choice about that with native kids is to miss the point of what those native leaders were saying. I certainly hope we will see this removed and made separate, as we saw it removed and made separate in the principles of the act or as we see there is a need for a separate section in the act itself for the establishment of Indian child and family services.

One final thing I would raise—because I am not a lawyer, but I do remember conversations I had with Mr. Powless and others from the Indian chiefs—is the fact that the notion of the definition of "band" was very important to them. They did not want to see the notion of "band" limited strictly to that which is provided in the Indian Act; they wanted a definition that would encompass the notion that the band decides who its membership is.

Therefore, if in northern Ontario there is a band situated on a specific reserve, but lying outside the reserve there were several outposts of Indians who worked with the band and were considered by the band to be part of that community, part of the family, it would have the right to make the decision that it could provide care to those children and those families as well.

Looking at the definition as it has been brought to us at this time, I am not sure it provides that capacity. It provides for a capacity of the band as we know it under the Indian Act and of the native community as two separate and distinct things, but I do not see it allowing that kind of flexibility for bands in northern Ontario. I would love to have some clarification and perhaps some legal advice on that from the ministry when we get to the committee stage.

There are other things I am sure I could dwell on and deal with, but I am very cognizant of the fact that many others in this House would like to speak on this bill.

I would just sum up by saying the following. In my view, and perhaps it is because I am the critic for the Ministry of Community and Social Services, the bill before us is one of the most important we have had for a long time. It is one in which I believe all members of the House should involve themselves in terms of discussion and debate and by thinking about it. It is a statement

of where we are going in children's policies in Ontario.

I think there are some wonderful things in it. In many ways it is still at the leading edge of legislation for social services for children, but I have some grave concerns about its limitations. Although there has been a lot of consultation, a lot of people having a swing at the ball in terms of getting their points of view across, I hope there will be an openness from the minister and the ministry about other suggestions coming forward.

I hope by the time we finish with this act it will be one that members on all sides of the House can be proud of and stand to support, instead of showing the reluctant opposition I have had to state in my position tonight.

**Mr. Riddell:** Mr. Speaker, judging from the length of the comments just completed by the member for Scarborough West (Mr. R. F. Johnston), you may get the impression there is much to be desired in Bill 77.

I believe there are some excellent features included in this bill. I certainly want to congratulate the minister for addressing the concerns expressed by many of the people who appeared before the committee. Having said that, however, I want to tell the minister that Bill 77 in its present form is of serious concern to children's aid societies in my riding, to children's mental health centres and to some members of the medical profession.

This legislation purports to simplify the structure of service to children and provides safeguards for the rights of parents and children. In so doing, I believe it also establishes costly and unnecessary bureaucratic mechanisms that will hinder the effectiveness of the services provided.

While there has been an extensive consultation on this legislation, there are still serious issues now that the bill is before the Legislature. It appears the authors perceive that family autonomy will be enhanced and rights best protected by a maze of bureaucratic and legal procedures, committees and boards. I will get back to that at the conclusion of my remarks.

I want to outline some of the major concerns that some of the family and children's services have in my riding. I am sure the same concerns are shared by family and children's services throughout the province.

From the viewpoint of a citizen seeking service or a community planning to meet its needs, there is no longer legislative provision for any children's service other than a children's aid



society or a publicly known funding provision for such service. The services will be those the minister approves under such funding as the minister decides.

Children's aid societies are at present organizations with clear-cut responsibilities, funding relationships and a duty to administer the act within their territory. While the new legislation provides for the continuation of existing societies, it also permits the minister to designate any approved agency as a children's aid society. It imposes, varies and removes terms, conditions or functions of the society.

It gives extensive new powers to the minister to revoke or suspend the designation of a society upon notice and subject to a hearing, to remove directors and to suspend provisionally without a hearing. It gives unhindered access to any record of the agency by any person whom the minister designates as a program supervisor, with penalties for obstructing or refusing to co-operate with such a person. It becomes an offence to fail to furnish a report, whenever the minister requests it, in the form and containing the information specified by the minister.

20 p.m.

What happens to the accountability of the board of directors? Although a declared principle is the autonomy and integrity of the family unit, a service provider may provide counselling to a child 12 years of age or over without the consent or knowledge of his parents, although the parent has legal and financial responsibility. A parent does not have access to his child's counselling records. A child has access to his or her records, apparently, including family records, except a parent may designate specific information that is not to be disclosed to the child.

Residential placement advisory committees are permissive, which is preferable to mandatory committees. Where the minister appoints such a committee, it shall review every placement in an institution having 10 or more children within 90 days after placement, if the placement is intended to last 90 days, or at least once every 12 months. Where the child over 12 years objects to placement, the committee shall review within the third week and then every 12 months.

This would apparently apply to placements at the Children's Psychiatric Research Institute, Madame Vanier Children's Services and London Psychiatric Hospital, creating a time-consuming and expensive process superimposed on their existing multidisciplinary reviews and quality assurance procedures. Service providers such as

children's aid societies would be required to prepare reports and assist and co-operate.

When a child over 12 objects to a placement and is dissatisfied with the review by the residential placement advisory committee, there is a provision for an appeal to a children's service review board. The definition of a "child in need of protection" is nebulous and lacking in criteria; for example, there is substantial risk that the child has suffered physical harm, that the child has been sexually molested or that the child has suffered emotional harm.

Confusion between the judicial role and the clinical role is evident. The society is required to submit in writing a description of the services to be provided to remedy the condition or situation, the criteria by which the society will determine when wardship is no longer required and an estimate of the time required to achieve the purpose. The court is then required to give a statement of every plan proposed to the court and the plan for the child's care that the court is applying in its decision. Thus, the judge not only makes the legal finding about the child's need for protection but also becomes the senior case manager in the case.

The legislation is review-happy. Apart from the normal case-management internal reviews, various management review processes required for good management, the overview of the board of directors, the court case reviews and status review, and the work of the ministry's program supervision, the legislation provides for placement review boards, appeals to a children's services review board, review teams appointed by the minister for child abuse cases, crown ward review, interdisciplinary review teams for intrusive procedures, a professional advisory board with powers of investigation and review, a review for access to records and licensing appeals to the children's services review board.

In this frantic effort to ensure rights and provide checks and balances, there will be little time left for care and treatment and little real authority left with the service providers who are responsible for getting the job done.

Let me put a question to the minister. Do the various measures designed to protect rights contribute to family autonomy and effective treatment? Before the minister responds in the affirmative, let me give him a couple of examples.

The parents of a 12-year-old girl find she is withdrawn and apparently depressed. She is progressing poorly in school and does not relate to her peer group. Concerned for her health and



emotional development, they talk with her and with their physician. Meanwhile, the young girl decides to seek counselling on her own from a volunteer agency. Although the counsellor encourages her to involve her parents, she refuses to do so. She refuses to talk to them about her counselling sessions and has a right to continue without their consent.

Seeing no improvement, the parents arrange with their physician for an assessment by a children's mental health centre. Following a complete assessment by a multidisciplinary team, it is considered that the girl would benefit from a period of residential care. The parents consent to their daughter's admission and she is placed despite her objections.

Within three weeks, the residential placement advisory committee members, none of whom needs to be a mental health professional, must review the case. Upon review, they recommend continuation of placement and advise the child of her right to appeal to the Children's Services Review Board. That board conducts a hearing and decides the child should be discharged to her parents.

Rights have been protected in an expensive and extensive process, and the family is left with the original problem.

Let me give a second example. A 14-year-old boy is brought before the family court after the parents feel they have exhausted all means of fulfilling their responsibility to him. He is using drugs and alcohol, is truant from school and has been involved in a number of assaults against his peers. He is defiant at home and makes his own rules.

In court, the child, the parents and the society are all represented by counsel. The society is expected to submit a written plan describing the services to be provided to remedy the condition and an estimate of the time required to achieve the purpose.

The judge and the child's counsel are highly critical when the society submits its plan for care but indicate it is impossible to estimate whether change can be achieved and how long it will take. The criticism is duly reported by the media. The child is found to be in need of protection, but comes to the society's care with feelings of mistrust, first towards his family and now towards the agency.

In the ensuing six months, despite the best efforts of the social work staff and the foster parents, there is little change in behaviour and a residential placement is thought advisable. The child is entitled to and receives the status review

by the courts, with counsel for all parties, because a major element in the plan for care is being changed. The court supports the residential placement as being in the best interests of the child.

Following residential placement, the whole process of placement advisory committee and Children's Services Review Board, as in the first example, comes into operation, in addition to a continuing family court process. This child needs a firm, consistent plan of care by a competent service provider if he is to be helped. He cannot be helped in an adversarial environment, punctuated by continuous reviews.

These are some of the concerns I wanted to bring to the attention of the minister. They are not only my concerns but also the concerns of the children's aid societies, the children's mental health centres and, as I indicated previously, some members of the health profession. I hope the minister has listened to some of the concerns I have expressed. When he responds, I hope he will address those concerns.

**9:30 p.m.**

**Mr. McClellan:** Mr. Speaker, I am very pleased to participate briefly in this debate. I know we are towards the end of the session. I think there is some interest in trying to see whether we cannot get this bill passed on second reading here this evening. Therefore, I intend to be brief. I will be participating this summer and probably again in the fall in the committee stage on the clause-by-clause.

I have been interested professionally in the Child Welfare Act since the early 1960s when the act was first put into modern form. I believe it was 1964 or 1965. I was on the standing committee on social development when we rewrote the Child Welfare Act and many other children's statutes in the period between 1977 and 1979. Here we are again in 1984 with, at last, the long-awaited omnibus children's bill.

Many of the issues discussed in 1964 are still relevant in 1984 and they are still not being addressed by the government. I refer to page 13 of the bill which sets out the purposes of a children's aid society. In clause 16(3)(c), one of the functions of a children's aid society is to "provide guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children."

Here we are in 1984, and the notion that "prevention of circumstances requiring the protection of children" is still only worthy to be relegated to a subordinate clause in a subsection



on the functions of children's aid societies is really puzzling, to say the least. I can remember the same discussion taking place in 1964 with respect to why on earth the government did not have the wit to define "prevention" and "preventive services" as one of the basic aims of the enterprise.

It is clear, 20 years later, that this government has no intention of making prevention a primary focus of our child welfare system. This is a government that says in its statute here before us tonight: first the breakdown of the family, first the crisis, first the child in need of protection; then come the services, the help, the extended hand of society, providing whatever resources are necessary to try to patch up the broken egg.

We do not seem to learn anything. There is no notion in this bill that society has an obligation to provide adequate resources in support of families and children before the breakdown occurs. There is no notion in this legislation that families and children have rights in law to full access to the wealth, resources and services of the society to prevent family breakdown and child pathology. There is no notion of that set out in this bill.

When we get to the clause-by-clause stage, I will be moving as an amendment to the Child and Family Services Act what I have set out in Bill Pr86, An Act to declare the Rights of Children in Ontario. I will do it and hope that we can have a good discussion about what is the key to the prevention of circumstances requiring the protection of children.

We have heard increasingly from children's aid societies that what we are dealing with is essentially a phenomenon of child poverty; we are dealing with the results of poverty. What we are dealing with in our child welfare legislation is an attempt to respond to the consequences of child poverty.

It seems to me, since that is what we are dealing with, that the people who are served by child welfare agencies are, by and large, the children of the poor and their families. It makes sense to try to come to grips with that phenomenon right off the bat. That means we have to talk about the statutory right of people in this society to their fair share of the society's wealth, resources and services. In a nutshell, that is what I have tried to set out.

At least in a preliminary way in the act to declare the rights of children in Ontario it tries to set out rights, not in terms of our traditional notions of freedoms and liberties but to broaden the notion of rights to include and encompass the

notion of entitlement to services, resources and to a fair share in the wealth of the society.

That debate at least has to take place before we pass the omnibus children's act. It is simply inadequate to pass one more piece of Band-Aid legislation designed to try to pick up the pieces of family and child pathology. Have we learned nothing in the course of the last 20 years? Regretfully, I observe that appears to be the case.

I have a number of major concerns with respect to Bill 77 that prevent me from recommending its support on second reading. I do not want to go through a long litany of criticism. I want to set out before the minister tonight some of those very real concerns. In and of themselves they do not add up individually to a major impediment. Taken together, they become an insuperable obstacle to support on second reading. We are going to have to look at these problems very carefully when we get to the committee stage.

Let me deal with my most troubling concern. It has to do with the section on intrusive procedures. I am talking about section 127, on page 106 of the bill, the additional duty of review teams with respect to intrusive procedures. I was shocked to read, set out in a child welfare bill in 1984, a set of procedures for the authorization in regard to children of "(a) medical or chemical experimentation; (b) psychosurgery; (c) nontherapeutic sterilization, or (d) electroconvulsive therapy...."

I do not understand it at all. I thought we had a moratorium on nontherapeutic sterilization of children. I thought that moratorium was still in effect. I do not understand what we are doing in setting out procedures for the authorization of nontherapeutic sterilization. I do not understand why we are talking about psychosurgery for children. I assume that is talking about frontal lobotomies. Perhaps the minister could tell us what he is talking about.

For the life of me I do not understand who engages in medical or chemical experimentation on children. That is what it says in the bill. The minister frowns. It says, "Where it is recommended that a child in the care of a service provider undergo (a) medical or chemical experimentation...."

That is what it says in the bill. I do not understand that kind of language, and I do not understand the thinking that lies behind it. I would have expected to see in the child welfare bill a section that outlawed medical or chemical experimentation, psychosurgery, nontherapeutic



sterilization and electroconvulsive therapy. I mean that sincerely.

**9:40 p.m.**

I make a modest prediction that people in the 21st century are going to look back at us in the 20th century who used electroconvulsive therapy on people who were mentally ill and say that we were as barbaric as those who used to chain the mentally ill to walls in medieval dungeons.

I think electroconvulsive therapy is barbaric, that it is a clinical fraud and that it should be abandoned as a treatment modality. To see it in a child welfare bill as something that is relevant or appropriate to the treatment of children is quite frankly appalling. We will have to deal with it when we get to committee of the whole House or clause-by-clause discussion in the social development committee.

I could no more support a piece of legislation that had this provision in it than I could fly to the moon. I am appalled that it is in there. I await with incredible interest the explanation of the officials of the ministry and the minister himself as to why it is included in this bill that purports to talk about the welfare of children and not to deal in their brutalization in the name of clinical treatment.

I will try to move even more quickly. I hope that when we deal with the adoption disclosure section we will be able to move forward from the voluntary, passive, adoption disclosure registry that is currently in the act. I say that with some authority as I wrote that section of the act. It was my amendment that passed by a vote of 37 to 36 and resulted in the voluntary disclosure amendment in the 1978 Child Welfare Act.

I started out with the English system of full disclosure. I moved amendments based on that model in the committee. They did not pass and we moved progressively—I think we went through four or five different approaches to the question of adoption disclosure—until we got an approach that had the support of a majority of members of the assembly.

It happened to be a narrow majority, a majority of one, but that is the way democracy works. Whether you win by one or 100, it is exactly the same thing. I am pleased the government kept the section in the bill. I am grateful it set up the administrative machinery to see how it would work. I appreciated that very much.

I think there is an opportunity to move to the next step. I suggest, with respect, that the next step is a voluntary disclosure registry that has an active component, and that the ministry give itself the power, if both parties or if even one

party is registered on the registry, to search out the missing party, whether it is the birth parent or the adult adoptee, and to determine whether it might be possible to arrange for disclosure of birth identity information. I think that is a reasonable suggestion. When we get to the appropriate point in the clause-by-clause, I hope the ministry is prepared to move on that.

Another item I want to deal with briefly has to do with the payment at children's aid societies and, equally important, the financial base of our 51 children's aid societies. The minister knows as well as I do of the tremendous inequities in the financial base of children's aid societies around the province. That arose from the fact that a children's aid society that was a private and voluntary social agency in a relatively poor community did not have the same financial base as the Children's Aid Society of Metropolitan Toronto, the Catholic Children's Aid Society of Metropolitan Toronto or a children's aid society in any of the large urban industrial centres. When the children's aid societies became quasi-public agents, the financial base was never adjusted.

That is reflected in the salary grid. Somebody who works for the public sector of the government of Ontario as a social worker providing social services will earn the same salary for the same kind of work, whether he works in Toronto, Sault Ste. Marie, Cornwall, Kenora, Sudbury or Hamilton. He is doing the job and gets the pay that goes with the job.

If one works for a children's aid society, however, there can be 51 different salary scales depending on the breaks, the luck of geography. The government has never dealt with that fundamental unfairness, that inequity. It resulted in strikes during the 1970s, which have been temporarily curtailed because of anti-inflation legislation. When free collective bargaining is permitted to resume, we will be back into the same jackpot of labour-management strife because of that fundamental and basic unfairness that results from history. It is time the government redressed that and established a basic financial base for all children's aid societies, so that kind of inequity will be eliminated.

Second, I am curious to know what happened to the notion that there was an obligation on the ministry to play fair financially with children's aid societies with the amount of time it takes to approve the budgetary allocation. I am amazed there is nothing in section 20 or section 21—I do not see anything, unless I have missed something—that would set some very clear and rigid time limits on the ministry and the government



for the allocation of budgets for children's aid societies and other agencies such as children's mental health centres and group homes.

We are amazed at the kinds of delays tolerated in the social service sector. They are not tolerated in other sectors. We had the example of the minutes of the Family and Children's Services of the District of Kenora. The budget for 1981 was approved in the minutes of April 1983. If this was untypical that would be one thing, but it is not. The delay is chronic and endemic.

All the different systems that have been developed since 1975 to try to deal with this have apparently not been successful. I do not think it is beyond the wit of government to come up with a payment system based on timely budget approval. It might even be a useful prod to bureaucratic inertia if it were in the statute itself. I make that as a suggestion to the minister.

With those remarks and one additional remark about day care, I will conclude. I do not know why day care was excluded from the omnibus children's legislation. Let me speculate on the reason it was excluded. Is it that the government has finally seen the light, finally come to the realization that day care is not and should not be a welfare service? The government has finally recognized day care should not be offered in a welfare context on the basis of means-tested subsidization. No, the government has finally realized day care should be a universal service run through the Ministry of Education and available to all families who require it. I assume that is the reason day care is not in the bill.

**Hon. Mr. Drea:** We will allocate four billion dollars.

**Mr. McClellan:** How much? Four billion dollars? Why not four trillion dollars if they want to make up figures? How about four quadrillion dollars a year? We should spend four quadrillion dollars a year on day care. Does that make the minister happy?

**Hon. Mr. Drea:** Yes.

**Mr. McClellan:** Good. I am glad. He can make up whatever nonsensical figure he wants.

**9:50 p.m.**

The point I am trying to make is a simple one. In a modern industrial society in which somewhere between 50 per cent and 60 per cent of women with children are in the work force, it is sheer insane stupidity to try to pretend that day care is a welfare service that can be offered only on the basis of subsidized means testing to those who are poor enough to qualify for it. We will pay a price for this folly down the road.

I assume in my quixotic optimism that the reason day care has not been included in this bill is that, as we gathered from the Minister responsible for Women's Issues (Mr. Welch), he has realized that day care should not be a welfare service, that day care should be available as a matter of right to all families who require it. He is planning to take it out of the welfare ministry, place it in the Ministry of Education where it belongs and establish a network of community day care centres that make use of the space in our schools. We expect very shortly a New Jerusalem. I am sure I am not wrong.

I will simply conclude with a rhetorical question to the minister, which he can answer when he sums up the debate: What ever happened to the local children's services committees, the very essence, nub, heart and kernel of the 1976 reforms, the very first thing that was promised? "I," said the minister, "am going to reform child welfare services by co-ordinating everything through the local children's services committees."

I do not know what happened to them. They seem to have been brutally assassinated; they disappeared. Were they mugged in the corridors of power? How did this great experiment turn into such a fiasco?

Oh, there is the author of the children's services committees himself, the member for Kingston and the Islands (Mr. Norton). What a brilliant idea that was. Perhaps the minister can tell us whatever happened to it.

**Mr. Boudria:** Mr. Speaker, I want to speak very briefly to Bill 77. There is only one section of the bill on which I would like to obtain an answer, and I hope the minister can clarify it for me. It is section 2, in which we talk about French-language services.

I congratulate the minister for the initiative of having this section in the bill. As he knows, I feel very strongly about this particular issue, and I am glad to see it there.

I notice the terminology he uses is different from that in other legislation, and perhaps the minister can describe for my benefit how this terminology works. I ask this for the following reason. For instance, if we look at the Ministry of Intergovernmental Affairs, the office of the co-ordinator of French-language services refers to four areas as what it calls designated areas of the province and an additional seven areas that I guess are considered secondary areas but where French-language services should also be available, making a total of 11 different parts of the province.



The bill does not seem to use the same terminology. It uses the terminology "where appropriate" as being the areas. Does that mean those four areas, those 11 areas, both or both plus additional ones besides? Perhaps the minister can clarify that at the appropriate time.

**Hon. Mr. Drea:** The broadest possible.

**Mr. Boudria:** The broadest possible? It is only out of curiosity that I raise the question, and also to indicate to the minister that I am pleased there is such a section in the bill. The minister is indicating it is to apply in a wide area, and I am glad to hear that.

I am told that some of my fellow caucus members insisted that the Council on Franco-Ontarian Affairs make a presentation and that it had an influence in including this section in the bill. I am glad to see, nevertheless, that the section is now included in the bill.

I find it passing strange that the minister had that initiative in his bill and that his colleague the Attorney General (Mr. McMurtry) also does, but that the Minister of Labour (Mr. Ramsay) last week introduced a bill in this House clearly omitting such a section. I remarked to him that if the Minister of Community and Social Services and the Attorney General could do it, so should he.

However, that is a little off the topic, Mr. Speaker, and I know you are going to correct me very soon if I do not get back on track with this.

Those are the only questions I wanted to ask. I want to congratulate the minister on that section being in and just encourage him to clarify for everyone what exactly the expression "where appropriate" in section 2 of the bill will mean. My hope is it means all the so-called designated and secondary areas, as well as other areas where the numbers warrant it.

Perhaps it could be clarified to ensure it describes that in a terminology which is consistent with other government policies. Then everyone will know what this section of the bill means from now on, as opposed to the nods I am getting from the minister tonight which may be contradicted by some staff person at a later time interpreting this particular clause in a different way.

If the minister would just clarify that. If he does not think it needs clarification, that is fine, but I am a little concerned. It uses an expression which I have never seen before in other legislation. The minister seems to have indicated that it includes all the 11 regions plus everything; in other words, wherever appropriate throughout the whole province and in the 11 regions as well.

If that is the case, that is even better than most other ministries and I am very pleased to see that in the bill.

I do not want to address the other sections of the bill. My colleagues have been and will be doing that in the next few moments. I am no longer the critic for the ministry so I will let the rest of my colleagues do that. I wanted to speak briefly to that particular section which I find very important and I thank the minister for the clarification.

**Mr. Stokes:** Very briefly, Mr. Speaker, I want to speak to the section of the act dealing with young offenders.

I have not had an opportunity to read it over in as much detail as I should have or would have liked to, but I am advised there is very little in here dealing with the problems young native offenders in northern communities find themselves in from time to time.

I know the Attorney General made a trip up to those remote northern communities along the shores of James and Hudson Bays. He was quite intrigued and fascinated with the way in which justice seems to be meted out up there. A good many of the problems are with young offenders. I would like to see some provision in the young offenders section of this act, dealing specifically with young native people. There should be some opportunity for the courts to consult with elders in order to make it possible for the officers of the courts to become better informed about a particular person on a reserve.

As members know, their culture and tradition are entirely different. They tend to look after a lot of their problems. I had the privilege of taking the Thunder Bay district legal aid committee into those communities a few years ago. The members' reaction was that they were able to handle most of their legal problems locally. Stan Jolly, who worked with the committee on native justice for a number of years, was seconded by the Attorney General. He is now in the process of setting up a system whereby native justices of the peace could be set in place so the native people would have more respect for justice and would be more involved in the system.

**10 p.m.**

The minister will know we have special native constables in a good many of the communities. I would like to see something in this act that would give force to the young offenders section, and would be more relevant to the native people in the far north, that would give them a say and make them a part of it. I think it would work much better.



The native committee on justice made several recommendations to the ministry before this section of the act was drafted. Perhaps we can discuss that when we get into clause-by-clause debate in another forum, but I would like some assurance from the minister that the recommendations made were not ignored and would give the kind of effect the native people have suggested.

**Ms. Copps:** Mr. Speaker, I am sorry we do not have comments from some of the members on the government side of the House on this issue because there are a number of areas, both positive and negative, that require some discussion within the context of the Legislature.

Having had the pleasure of serving on the first white paper discussions surrounding the bill and subsequently on the bill itself, I would like to start off by commenting that one of the difficulties I see with the current legislation, and one that was outlined in a dissent I filed with respect to the white paper, is that the minister has purported to bring in an omnibus bill to cover all children's services within Ontario.

Unfortunately, the whole aspect of prevention and access to services before a situation reaches a crisis point has been ignored, not only in the draft but also in the bill we have before us. It has been called by the minister An Act respecting the Protection and Well-being of Children and their Families, but it appears to be an umbrella bill of consolidation of services only for special needs or what in many cases might be considered troubled or special needs children.

I thought in bringing in this legislation the minister and the government would attempt to provide an overview of services and rights for all children in Ontario that would include notions such as prevention and would include a bill of rights for children outlining the rights and responsibilities they share with other members of society, rather than simply zeroing in on the whole issue of a child who may be in need of protection or in need of special services. In view of the increasing thrust we must place on the whole area of prevention in the 1980s, this bill falls far short of consolidating the notion of servicing all children in Ontario.

I appreciate that the steering committee has decided to go ahead with discussions of the Day Nurseries Act come September, but the fact that the ministry has proceeded on this act without any reference to or inclusion of the Day Nurseries Act is a further indication that this piece of legislation is not really designed for all children in Ontario but for kids who have special needs

and kids who were served under the special needs area in the existing legislation that is being consolidated under this umbrella piece of legislation.

Our critic in this area, the member for Windsor-Sandwich (Mr. Wrye), outlined in his presentation that the minister has certainly introduced a number of improvements with respect to the whole tone of the legislation, following input that had been directed from members of the social services sector and a number of other areas. I refer specifically to the change in the declaration of principles. The minister looks at the role of social service agencies not as interlopers or intruders who should only be brought in at the last minute, but as people who can actually facilitate the process.

There was some concern in the first draft that the tone of the document appeared to be somewhat anti-professional and anti-involvement from the social service sector. I think the minister has moved to address that in the bill and he deserves some credit for that.

I am troubled, however, by a couple of underlying issues. The minister addressed one of those issues in his response to the member for Prescott-Russell (Mr. Boudria), in the discussions on a single issue such as the provision of French-language services.

When we look at the section on Indian and native child and family services, we note that the minister has been left with a tremendous amount of discretionary power. There has been, again, an insistence by the minister that he will introduce measures in the broadest possible terms without specifying in legislation what those terms are going to be.

While the intentions of the minister to be as broad as possible and as comprehensive as possible may be seen to be sincere, I think the difficulty he has in any piece of legislation that leaves a tremendous amount of discretion to him is that when push comes to shove, the minister may change, the direction may change, or both may change. It is important that the legislation spell out very specifically what responsibilities the minister must have if the legislation is going to have some long-term impact.

Likewise, in the definition of French-language services, the minister has included the notion of provision of services where appropriate. "Where appropriate" for the minister may be very different from "where appropriate" for, for example, the French-language advisory committee or l'Association canadienne-française de



l'Ontario. It is in that regard that I think we need a broader definition within the legislation itself.

A tremendous effort was made by all members of the committee to come to some kind of consensus on this issue, which was raised by a number of members not only of the social service community, but of the public; that is the whole issue of when we conduct a placement review.

As the minister knows, the current legislation calls for a placement review within a certain period of the institutionalization of a child. We heard from a number of professionals who stated quite clearly that if one looked at the Hamilton Association of Agencies for Treatment and Development model, it is critical that the review be preplacement on a mandatory basis, not on an optional basis, because if we do not have mandatory preplacement review, we may find ourselves in a situation where a child is institutionalized. Once the institutionalization occurs, the powers who have agreed to that institutionalization are not likely to reverse their position.

If one looks, for example, at the involvement of parents who might have a child who is developmentally handicapped; if a decision or consensus is reached to move that child into a group home, once the move is made it is highly unlikely that a post-placement review is going to change the situation or make any kind of substantial difference.

One looks at the figures that were introduced by the Hamilton AATD model, where it suggested that out of every three children who were considered for institutionalization within the city of Hamilton, on preplacement review, two of those three placements were either modified or were eliminated because the child was able to remain in his own home with the assistance of support services.

What we are suggesting, and I think the point was made by a number of social service agencies throughout the province, is that the notion of a preplacement review must be mandatory; it must not be optional. If there is not a mandatory preplacement review, we will be facing failure of the system in a fashion similar to that pointed out by the AATD in Hamilton.

**10:10 p.m.**

Those kinds of statistics are a pretty damning indictment of the current system when one sees that, after a children's aid society or another agency decides to institutionalize a child, in two out of three cases in the city of Hamilton, or two out of three cases of all children dealt with by the

preplacement review committee, the decision to institutionalize was reversed.

If that reversal had been made after institutionalization occurred, in many cases it would be too late. Once parents go through the wrenching decision of agreeing to place their child outside the home in an institution, it is unlikely that the decision is going to be reversed by a post-placement review.

It seems to me one of the critical messages that came across to us in the course of our discussions with various groups and individuals was the notion that institutionalization must be reviewed before it occurs. It cannot be reviewed after the fact because of the inability of children to progress through the system if they are suffering from emotional, physical or developmental problems. The more they are moved around the less likely they are to succeed in their placement.

If preplacement review is going to allow two out of three children either to remain in their own homes or to be placed in a less onerous group home situation, then I think we have a responsibility to ensure that the review occurs before the move is made, before children are taken out of their own home and institutionalized.

It should also be pointed out that the residential placement advisory committee reviews that have been cited in the legislation are not applicable necessarily to existing placements because of the way the wording has been interpreted under the current bill. Bearing that in mind, I think it also deserves another look by the minister. Not only should we be reviewing placements before they occur in the future, but we should also ensure that the placements that already exist will of necessity be reviewed by the minister and by the government.

Another concern we have with respect to the residential placement advisory committee process is that if the RPAC decision is not accepted, the appeal process occurs through the children's services review board rather than through the family court. We feel a decision to institutionalize a child is important enough that the ultimate onus should not be left up to a children's services review board, but should be made in the context of the court.

The children of Ontario should have at least many rights as adults who, for example, have been convicted of a crime and end up in jail. They have an appeal process. What we are talking about in institutionalization is taking the children from their home and putting them in a placement. They are placed in an institution, which could have very serious ramifications on them for the



rest of their lives. If individuals or families do not agree with such decisions, it seems to me that at the very least they should have recourse to appeal through the courts rather than simply leaving it up to the children's services review board.

The minister is no doubt aware we have been undergoing these discussions as well with respect to the Young Offenders Act. I think there is a tremendous consensus in the community that the division of responsibility between the Ministry of Community and Social Services and the Ministry of Correctional Services with respect to the Young Offenders Act is going to spell disaster for effective implementation of the federal provisions vis-à-vis the changing of responsibilities and the recognizing of individual rights for our young people. In that regard, we also have some very serious concerns about the implementation of the Young Offenders Act as outlined under section 4 of the legislation.

Another issue touched upon by the member for Bellwoods (Mr. McClellan) which I think was probably the most difficult individual issue we dealt with was adoption. One of the benefits, to my mind, of the standing committee on social development to date—I know the member for Hastings-Peterborough (Mr. Pollock) will agree with me on this—is that in our two or three years on that committee it has probably been a unique committee in that in many respects we have tried to hammer out a consensus rather than playing politics on a number of issues.

We have tried wherever possible to hammer out a consensus. On the issue of adoption, we hammered out what we all thought was a pretty good compromise. I am sure some of us, myself included, were not totally satisfied with the compromise, but we felt that in the interest of developing a consensus we could move on the issue of disclosure.

To outline this for those members of the House who were not here during those discussions, the current system is a passive registry system where all three parties must consent and must contact the registry in order for contact to occur between a birth parent and a child.

The consensus reached by the standing committee on social development studying this legislation was that because of perceived contracts, which nobody was able to prove existed, and because people who had undergone adoptions in the past presumably did so on the basis there would not be full disclosure, according to the committee, this bill would kick in a system whereby, beginning with adoptions approved in 1984—hence we would have a system that would

only become operational in many cases 16 or 18 years from now—the ability of the adopting parent to veto a reunion between a natural birth parent and a child would be wiped out.

We did not feel the adopting parent had the right to veto a reunion between an adopted child and the birth parent once that child reached the age of adulthood. As a group, we suggested a nice compromise might be to adopt a system that exists at present in at least two other provinces. Many members will know, including the member for Oshawa (Mr. Breaugh) who made very strong presentations on behalf of Parent Finders, that Parent Finders and many other groups feel there need be no consent to make that contact by any party other than the adopted child himself or herself.

We felt that as a compromise all members of the committee could live with, we would suggest to the government that from this day forward when adoptions take place, a reunion could occur between the child and the natural parent once that child reached the age of adulthood. We would set up a two-party consent system with an active registry that would begin and kick in once the adopted child reaches the age of adulthood.

Even though we reached this compromise that would not satisfy Parent Finders, for example, and many other groups of people who are searching for their roots, we felt it was important enough that adopting parents should not have the right to veto a reunion between natural parents and a child once the child has reached the age of adulthood.

The government in its wisdom, however, chose to ignore the advice of the committee, advice which I might say was ultra-conservative in that the system we were suggesting and upon which there was unanimous agreement would not even begin to kick in until 18 years from now, because it would only affect new adoptions. Unfortunately, what we have been left with is a consensus of the committee that was rejected by the government.

The net result is that there are members on, I believe, at least two sides of the House who feel that since the compromise was rejected we are going to revert to our original positions, which are first, that two-party consent should be invoked from this day forward and second, that it should be invoked as young adoptees reach the current age of adulthood. We cannot find within either the spirit or the letter of the law any contract that states a birth parent should not have the right to reunion with a natural child. There was nothing written in any adoption law we were



able to see that said adopting parents should have the right to veto a reunion between natural parents and children, once the children reach the age of 18.

I am sure the minister will be aware there are a lot of emotions involved in this situation and in this kind of a reunion. It seems to me, however, the key question has to be whether there is an expressed desire on the part of the child and on the part of the natural parent to reunite.

**10:20 p.m.**

If there is that expressed desire, presumably the relationship the adoptive parent has established with the adopted child over the 18 years before that reunion takes place will be secure enough that the relationship between the adopting parents and the child would not be intimidated or in any way compromised by the reunion between the natural parent and the child.

I would like to hear from the minister why this government was unprepared to accept even the most conservative amendment that would have seen an active two-party registry begin, a system where the adopting parents' veto would have been removed 18 years from now.

I do not think we came in with a proposal that was unrealistic or that would have infringed in any way on past adoptions. It would have stated for the record that if a parent were looking at adopting a child currently in 1984, then 18 years from now if that child and the natural parent chose to be reunited, the adoptive parent would not have any right of veto over the child once that child became an adult.

I have not seen anything, either in the letter or the spirit of the law, to suggest that adopting parents should be able to veto reunions between adult adoptees and their natural parents. I would be most interested in the government's response as to why it rejected a three-party consensus developed by the committee.

The committee tried to be very responsible in coming up with an alternative that would not infringe in any way on past adoptions but would deal with a problem that is perceived in the present, not only by natural parents who are seeking their children and children who are seeking their parents but also by adopting parents who appeared before our committee on behalf of Parent Finders to say that they too supported the notion that if a reunion were desired between two parties, the natural parent and the adopted child, that reunion should occur.

We would like to see the involvement of the adopting parent. We think that would be a positive thing. But at the same time we do not

feel the adoptive parent should have the right to veto that reunion.

Likewise, when we deal with the whole issue of the age of consent the minister will note that the committee had raised the notion of including the common law issue for the age of consent rather than arbitrarily putting an age on it because a child at the age of 12 or 14 in one instance may have a much greater capacity to understand and enter into obligations than another child. That is why it was suggested to use by the Ontario Medical Association and others that the common law be used with respect to age of consent.

The minister will also be aware that there was no result on the issue of foster guardianship.

The minister will no doubt be aware of press reports this week that deal with the ethical and moral questions surrounding frozen embryos in Australia. The minister and the government in their wisdom chose to ignore the ethical and moral questions that must be answered if we are going to look at the issue, for example, of surrogate parenting. Many of those issues are part and parcel of the reality in Ontario today.

We are dealing with the Child and Family Services Act, an act that is supposed to deal with the protection and wellbeing of children and their families. To ignore even a discussion surrounding the issue of surrogate parenthood and many of the other ethical and moral questions surrounding in vitro fertilization—the minister may shake his head but there is a real legal dilemma that is being faced by parents—

**Hon. Mr. Drea:** They are before the Law Reform Commission of Ontario. The member knows that.

**Ms. Copps:** The minister has suggested this is an act that deals with the wellbeing of all children and their families in Ontario. I am suggesting there should have been at least a mention or some consideration given to these issues.

If he has had a chance to go over Hansard, he may be aware that I raised this issue when the discussion began originally on the discussion paper. I have never received an adequate response as to why the whole issue of surrogate parenthood and in vitro fertilization was ignored in this act.

The minister also sat out on the age of consent issue. He has suggested that the reason we did not want to go to the common law for age of consent is that we were going to have minors who would have access to birth control. The minister is well aware that this is an absolute red herring in the sense that the issue of birth control is one that



presumably remains the domain of the prescribing authorities, which would be the medical profession.

The medical profession in general is not covered under child and family services but practises independently and uses the common law age of consent in the context of its own profession. That is why the OMA came before us and suggested that common law be included as the age of consent in this particular document: to bring it in line with, for example, the current practices of the medical profession.

The minister instead chose to use an arbitrary age, which in many cases is going to handcuff the social workers and other professionals across Ontario when they are looking at the issue of counselling. By bringing in this arbitrary age, the minister has succeeded in saying a young person who happens to be suicidal, who happens to have an alcohol problem, who happens to have a very serious drug problem, cannot get any help below a certain age without his parents' consent. This is simply because the minister has used this arbitrary age of consent rather than moving towards the common law capacity, which was suggested to him by the OMA.

There has been some discussion about the prohibited measures category. I would have to add my voice to that of the member for Bellwoods, who said here in the House tonight that he cannot believe this government would not prohibit, for example, drug experimentation, nontherapeutic sterilization, psychosurgery and electroconvulsive therapy.

If the minister believes electroconvulsive therapy is not being carried out in our provincial community and social services institutions at present, I ask him to read Hansard and presentations from social workers who appeared before us to tell us that in their estimation it may even be occurring in some provincial institutions which deal with children under the Ministry of Community and Social Services. The area cited in the presentations—and I am sure the ministry people have had a chance to follow up on that—was the Thunder Bay area.

The minister may very well say electroconvulsive therapy does not currently exist in any provincial institutions that cover children across Ontario. If he believes that, and if he feels it is important for it to be prohibited, then it should be proscribed in the law so that drug experimentation on minors is not allowed. A moratorium on nontherapeutic sterilization has already been declared, and it should be proscribed in the law.

The whole issue of electroconvulsive therapy also should be proscribed in the law.

Frankly, I think the statements which preceded this particular bill, in which the ministry said it felt these procedures were so irreversible and so intrusive that they should be included in legislation, were very accurate statements and should be upheld.

I understand the minister's concern in responding to the OMA, but even for the purposes of provincial institutions which fall under the responsibility of the Ministry of Community and Social Services, I think there should be a prohibited measures category reintroduced into the legislation.

Likewise, there are a number of intrusive procedures which have been recognized and regulated in the legislation. There is the other catchall phrase which says, "and any other intrusive procedures which may be designated by regulation."

If we feel intrusive procedures are important enough to be enshrined in legislation in the act, then likewise, new intrusive procedures which may come about as a result of new technological interventions in the whole area of treatment should also be introduced, not by regulation but by legislation. They can have some fairly significant and, in some cases, irreversible effects on the lives of our children.

I am glad to see the minister has removed the sexist reference in the legislation to the child adopting the religion of the father. There may be some ambiguity about the "parent," because the way the act is currently drafted, it states the child will receive the religion of the parent, not parents. If one is talking in the singular, there may be some question as to court interpretation of what constitutes a parent.

I am sorry the minister has not responded to the concerns of the Canadian Jewish Congress about the inclusion of all religious faiths. When the act makes special mention of the Catholic and Protestant faiths with respect to the children's aid societies, there should also be recognition given of other religious faiths. That was brought to the attention of the minister by the Canadian Jewish Congress. Unfortunately, we have seen no change in the minister's definition with respect to religion.

The final point I would like to make relates to the issue of curfew. The committee recommended that children should not be allowed to work in a place to which the public has access in late hours. The curfew provision has not taken

this particular aspect of concern under consideration.

Bearing in mind we are about to adjourn, I would like to say we have outlined some very serious concerns we have about this legislation. We hope we will be able to use some of the time in committee this summer to iron out some of the difficulties, particularly with respect to the residential placement advisory committees as well as the adoption procedure and the intrusive and prohibitive measures. These issues in their current status are not acceptable. For that reason, we will be unable to support this legislation.

**The Deputy Speaker:** In recognizing the minister, I might just point out that the clock is coming very close to 10:30 p.m.

**Hon. Mr. Drea:** Mr. Speaker, I am aware of that. I am prepared to adjourn the debate, but there is one point, notwithstanding an effective reverse closure on the minister, that should be mentioned tonight.

To end the confusion about section 23 of the act, we will be bringing in amendments in committee to clauses 23(1)(g) and 23(1)(h) which will change the word “agency” to “society.” It is mentioned three times in those two clauses.

In other words, section 23 will only apply to a children’s aid society. It will not apply, nor was ever intended to apply, to the 1,800 voluntary agencies, youth agencies, etc. It was intended to apply to exactly what the member for Scarborough West was complaining about tonight. I would make public the various aspects of any disciplinary action against a children’s aid society. To end the confusion, that will be changed when we go to committee.

On motion by Hon. Mr. Drea, the debate was adjourned.

The House adjourned at 10:33 p.m.

CONTENTS

Monday, June 18, 1984

Second reading

**Child and Family Services Act**, Bill 77, Mr. Drea, Mr. R. F. Johnston, Mr. Riddell, Mr. McClellan, Mr. Boudria, Mr. Stokes, Ms. Copps, adjourned . . . . . 2565

Other business

**Adjournment** . . . . . 2588

SPEAKERS IN THIS ISSUE

- Boudria, D. (Prescott-Russell L)
- Copps, S. M. (Hamilton Centre L)
- Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)
- Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)
- Johnston, R. F. (Scarborough West NDP)
- Jones, T., Deputy Speaker and Chairman (Mississauga North PC)
- McClellan, R. A. (Bellwoods NDP)
- Riddell, J. K. (Huron-Middlesex L)
- Stokes, J. E. (Lake Nipigon NDP)









# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Tuesday, June 19, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, June 19, 1984

The House met at 2 p.m.

Prayers.

## MEMBERS' EXPENDITURES

**Mr. Speaker:** I beg to inform the House I have today laid upon the table the individual members' expenditures for the fiscal year 1983-84.

## VISITOR

**Mr. Speaker:** I ask all members to join with me in welcoming a visitor in the Speaker's gallery in the name of the Honourable James Russell, Speaker of the Legislature of Newfoundland and Labrador.

## ORAL QUESTIONS

### AGRICULTURAL INDUSTRY

**Mr. Peterson:** Mr. Speaker, I have a question for the Minister of Agriculture and Food. I am glad to see the minister has arrived.

I assume that by today he has met with representatives of the Ontario Federation of Agriculture, and I assume that if he has not been impressed up until this date, he is impressed now with the crisis in the rural communities in the agriculture sector in this province.

He has been presented with very specific requests today for emergency assistance. All my colleagues and, I am sure, the minister himself have travelled widely in this province and realize this crisis is not imagined; it is very real and it is very imminent.

All the statistics, farm bankruptcies and everything else, do not bode well in the short term for our agricultural community without assistance. My question to the minister very specifically is, will he respond positively to those four requests of the OFA?

**Hon. Mr. Timbrell:** Mr. Speaker, I did meet with some representatives of the federation, as a matter of fact, along with my deputy minister, and we went over their briefs. Most of their points have really been raised before.

With respect to the suggested changes to the Ontario farm adjustment assistance program, I did undertake to take a close look at those because some time in the next couple of months we will be providing to the cabinet our advice on

what should be done with OFAAP after its planned expiration on December 31, 1984.

With respect to proposals on a capital assistance plan, I pointed out a number of the things we are already doing, such as the soil conservation and environmental protection assistance plan, the greenhouse efficiency program, the beginning farmer assistance program and so on. I could not accept that recommendation per se, but I could point out a number of areas where we are tackling aspects that are of concern to the farmers.

In regard to the proposed provision of a very large subsidy, a handout, to the red meat sector, I had to restate my position as it has been all along. I recognize as well as anybody that there is a crisis in that sector of agriculture, but the proposed solution is not going to resolve their problems.

We have been tackling them in a variety of ways, whether it be through the red meat plan, which is a \$62.5-million commitment of our government; the changes to the marketing system, which are under review right now; the development of the tripartite stabilization program; or the beginning farmer assistance program, and many of the 807 who have been approved to date under that program are livestock producers. I think I have been able to point out a number of areas where we are already doing things they would like us to do.

Finally, on the question of a large payout—or subsidy, whatever one wants to call it—to the red meat sector, I have to point out again that the executive of the Ontario Cattlemen's Association has recently come out against such a payment, the executive of the Ontario Pork Producers' Marketing Board has come out against such a proposal and the Ontario Sheep Association has come out against such a proposal, recognizing that, at this very delicate point in the development of the tripartite stabilization program, such a move on our part would destroy it completely.

**Mr. Riddell:** Mr. Speaker, the minister does one tremendous job of pitting one farm organization against another and one farmer against another, and that has to stop.

Setting aside all the sweet rhetoric, does the representation from a large number of farmers



who could ill afford to leave their farms at this time of year not send a message to him that all is not well on the farm front? Does it occur to him that they do not want to hear about soil erosion programs and what not? Sure, inasmuch as it is important, the fact is that the farmers have to remain on the land to do something about soil erosion; that is the crisis today. Is he prepared to listen to their requests?

Will the minister put \$67.4 million in emergency assistance into the red meat producers? Will he extend OFAAP over another three-year period and raise the equity to 70 per cent instead of 60 per cent? Is he prepared to listen to the request for an operating loan with an interest cap at prime plus a half? Is he prepared to meet their request for a capital loan program at eight per cent repayable over 10 years? All these are programs that are endeavouring to keep our farmers in business at this time when things are pretty rough out there on the farm front.

**Hon. Mr. Timbrell:** Mr. Speaker, with respect, I think I have already answered the honourable member's question in my answer to his leader, and there is no point in taking the time of the House to repeat my answer. Of course I am impressed with the number of people who have come here today; I am always impressed with the federation representatives and with any representatives of the farm group.

I can assure the member that I am in no way trying to pit any one organization against another, but the fact is that on some issues there is a significant difference of opinion. I could point out, for instance, that the Christian Farmers Federation of Ontario has recently decided not to support tripartite stabilization of any kind.

We have the cattlemen's association and the other red meat producer organizations favouring one type of tripartite stabilization without an ad hoc payment, we have the Ontario Federation of Agriculture wanting 100 per cent cost of production recovery with an ad hoc payment and we have the Christian farmers federation on the other side asking not to have any stabilization program at all.

The fact is that there is a great diversity of opinion. As minister, it is my responsibility to try to establish and pursue a policy course that is in the best interests of most of the farmers of this province, and that is exactly what I have been doing for two and a half years.

**2:10 p.m.**

**Mr. Rae:** Mr. Speaker, the minister forgot the fourth hand: "And then we have Dennis Timbrell, who is doing nothing except playing

one group off against another and not responding to the very real needs of agriculture." That is the reality.

In addition to the question about the need for an immediate program for red meat producers, why does the government continue to resist the obvious need for a long-term credit plan in the province? Alberta and Quebec have such plans. The minister will know that in 1981-82 Alberta gave \$388.5 million in long-term payments and Quebec gave \$347.3 million. In Ontario an increasing number of farmers are reliant solely on the chartered banks, who have not exactly been acting as the farmers' friends over the last number of years. Having got them into debt, now they are sticking it to the farmers of this province.

Will the minister please stand up to the banks and show some courage on his own part and establish a province-wide plan that will provide long-term credit at affordable rates, rather than forcing farmers to go to private markets where they have to pay 12, 14, 16 and 18 per cent rates which they cannot afford? Will he please establish permanent, long-term credit for farmers to get over this tremendous debt squeeze which is affecting them so badly?

**Hon. Mr. Timbrell:** Mr. Speaker, the honourable member alludes to programs that do not exist in the other provinces. No province has a complete agricultural bank covering everything from day-to-day credit and short-term credit to mortgages. No province is in a position to do that because no province has the financial resources. A number of years ago—I guess it was in 1967 or 1968—the federal government took the position that it wanted to have the prime government role in the long-term farm credit field and approached the provinces to get out of that field.

**Mr. Swart:** We have heard that broken record a dozen times.

**Hon. Mr. Timbrell:** I know the Speaker will recall, since he is interested even if the member for Welland-Thorold (Mr. Swart) is not, that we had a junior farmer loan program up until that time and we cut it off when the federal government took that position.

A dozen or so years ago, the Farm Credit Corp. carried more than 70 per cent of the long-term credit in the agricultural sector. Today it is down in the low 20s. That is not intended to be a criticism of FCC. It is partly that the allocations to FCC have not kept pace with the demand for agricultural credit and partly a relative recognition that the government cannot do it all.

We have brought in a number of programs, not the least of them being the beginning farm



assistance program, which as of last Friday has had more than 800 applicants approved to receive the five per cent rebate. We have advanced proposals for agribonds, again a long-term measure, a joint federal-provincial initiative and something that I hope the member supports.

I hope he recognizes that no provincial government is in a position to be all things to all people. We have to target our programs and it is best if we can do it on a joint federal-provincial basis.

**Mr. Riddell:** Does the minister recall the response he gave me when I raised the question? He said: "I have my constituents on this side and I have half my constituents over here asking for the opposite. I am on the side of my constituents." Did he have himself in mind when he gave me that response?

When is he going to act the farmers' advocate and walk into the cabinet room the same way Bill Stewart did when he was Minister of Agriculture and Food, bang his fist on the desk and convince his colleagues that agriculture is too important in this province to let it go down the tubes?

When is he going to stop using the old argument that he cannot do anything because it would appear to be bargaining in bad faith for a tripartite stabilization program, when no other provincial minister uses that argument? We do not know when there is going to be a tripartite stabilization program. It may be next year or the year after; who knows? Is it not more important to keep our farmers in business so they can participate in the tripartite stabilization program whenever it comes into effect?

**Hon. Mr. Timbrell:** The member should take his time—I doubt he will, but I think many objective people would—to go through the list of the new programs that have been brought in by his ministry during my time as minister. I also ask him to look at the 16 per cent increase this year in my base estimates as compared to last year and as compared to the overall government restraint program. I have no reason to be ashamed of the measures I have taken in support of agriculture.

My point is that I do not try to be all things to all people. I have always been prepared to take a stand. When the answer is appropriately no, I have always been prepared to say no. I have done that in this case with respect to the repeated proposal for a government subsidy or handout. It would be a serious mistake. It would do a lot of damage to the industry in the long run.

I am not prepared to follow some of the lines the member has proposed from time to time

which may seem to be expedient at the moment but which will damage agriculture in the long run.

## HYDRO RATES

**Mr. Peterson:** Mr. Speaker, I have a question for the Minister of Energy concerning Ontario Hydro power rates and the irresponsible borrowing practices of Ontario Hydro.

Is the minister aware that between 1978 and 1983, Ontario Hydro lost \$297 million on foreign exchange losses because of fluctuations in the dollar? That was translated to power costs, and every consumer in this province paid for Ontario Hydro's mismanagement. Does he know what rate increases that has translated into for every power consumer in this province? If he is aware of it, has he expressed his concern to Ontario Hydro because of the massive exposure we have had through borrowing on foreign markets?

**Hon. Mr. Andrewes:** Mr. Speaker, it is quite obvious to most members of the House that from time to time in its borrowing Ontario Hydro has to experience the fluctuations of the rates on the international market. Of course, the Leader of the Opposition is right that because of the mandate given Ontario Hydro, these fluctuations must be passed on to electrical consumers; but it is most unfair to suggest this is mismanagement. Ontario Hydro has a record of making its bond issues at the most appropriate time. Most recently, those issues have been well received on the market, and there has been a very rapid takeup of those issues.

**Mr. Peterson:** That has nothing to do with it. I asked the minister what the consumers in this province were paying. Let me remind him, in case he does not know; is he aware that over the past six or seven years, 20 per cent of the rate increase was due to foreign exchange losses? Is he aware that is transferred to every person's bill in this province?

Between 1978 and 1983 we lost \$297 million. In 1984 we will lose an estimated \$89 million. In 1985 it is estimated we will lose another \$79 million. We will have lost close to \$500 million over an eight-year period. The consumers are paying that because of the borrowing in the United States and the foreign exchange losses. Is the minister aware of that? What instructions is he giving Ontario Hydro with respect to its borrowing to eliminate that kind of exposure?

**Hon. Mr. Andrewes:** I can only reiterate that Ontario Hydro's borrowings are the prerogative of the Ontario Hydro board. They will borrow at the most propitious moment. They are regulated



by the Treasurer (Mr. Grossman) and reviewed by him. They go to the market when it is necessary and when they see an opportunity that would be advantageous to the corporation and the Ontario electrical consumer.

**2:20 p.m.**

**Mr. Rae:** Mr. Speaker, the hard fact remains that, as we have said many times in this House, a very healthy chunk of all the rate increases paid by the consumers of this province is as a result of Hydro's extravagant borrowing, its incredible overbuilding and the fact that the vast majority of its borrowing takes place on foreign markets at a time when our dollar is falling through the floor.

**Mr. Speaker:** Question, please.

**Mr. Rae:** Given the fact that the government of Ontario guarantees all Hydro's borrowing, does the minister not feel it would be an essential part of provincial policy that Ontario Hydro start looking seriously at Canadian capital markets far more realistically? First of all, it should reduce its overall borrowing requirements, stop the Darlington project because we simply cannot afford it and do not need it, and do its borrowing in Canada in order to ensure that Ontario consumers do not pay the whole shot for Hydro's foolishness with respect to borrowing in the United States.

**Hon. Mr. Andrewes:** Mr. Speaker, I can provide the honourable member with the full details of where Ontario Hydro does its borrowing. If I were to do that, he would see that a fair proportion of the borrowing took place in Canada.

It is also fair and reasonable to point out that where borrowings are necessary and have taken place, they have been done to the best advantage of the corporation and its customers.

**Mr. Peterson:** Mr. Speaker, I point out to the minister with great respect that he is wrong. I think he should apprise himself of the facts so he can communicate meaningfully with Ontario Hydro on this most significant issue.

Granted, Ontario Hydro decides what it is going to borrow and when, but it is approved by the cabinet. The minister has systematically prevented us from bringing in legislation that would require legislative approval and control over those borrowings.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** Is the minister aware that in addition to a \$300-million realized foreign exchange loss, we are sitting on top of another potential exchange loss of close to \$1 billion if that debt had to be paid off today? Just to have an

idea of how it grows month by month and year by year, on December 31, 1982, it was \$844 million; at the end of 1983 it was \$925 million; today, with a 77-cent dollar, it is \$960 million in unrealized losses.

Will the minister go to Ontario Hydro and impress upon it that he now understands the potential risk to which it is putting the power consumers of Ontario by this huge overborrowing in the United States and encourage it to borrow less and borrow in Canadian markets to cut our exposure?

**Hon. Mr. Andrewes:** Mr. Speaker, the Leader of the Opposition (Mr. Peterson) becomes an expert in the foreign exchange market when he can review them after the fact. That is what he is doing in drawing this comparison.

## TECHNICAL EDUCATION

**Mr. Rae:** Mr. Speaker, can the Minister of Education confirm whether her ministry has conducted a survey of boards of education across the province with respect to the impact of the Ontario Schools: Intermediate and Senior Divisions program and the potential impact on layoff of teachers and reduced enrolment in certain technical courses?

Can the minister also confirm the survey shows that so far more than 670 teachers in 30 boards are expected to be declared redundant across Ontario? What is the minister going to do about this tragic problem?

**Hon. Miss Stephenson:** Mr. Speaker, we did do a survey and the figures I have do not approximate to anything suggested by the honourable member.

**Mr. Rae:** I have a photocopy of a telephone survey letter signed by Mr. J. J. Sullivan together with a document called Provincial Report: Rough Draft. In question 3 on redundant teachers, 36 boards responded—eastern Ontario saying yes, eight boards; northwestern Ontario three; western Ontario, five boards reporting 40 teachers; mid-northern Ontario, three boards reporting 70 teachers; northeastern Ontario three boards reporting six teachers; central Ontario, 14 boards indicating over 400 teachers to be declared redundant.

Can the minister confirm the existence of this report? If she is denying the existence of this report, we have asked questions about this since April and we are now in June. When is the minister going to indicate to the House what she plans to do to stop the fundamental irrationality and absurdity of seeing hundreds of teachers laid off at a time when every observer recognizes



education is one of the key issues facing Ontario today and in the future and at a time when education is such a priority for this province? When is she going to present a report to deal with the incredible absurdity of government policy in that regard?

**Hon. Miss Stephenson:** It is very easy for the member to determine that the actions taken by school boards or teachers relate entirely to the implementation of OSIS. I think he is totally wrong. None the less, we have had an intensive discussion with a number of representatives of boards. I remind the member that significantly more than 36 boards were surveyed.

We had varied reactions from boards. With a number of boards the matter has already been resolved because they had enough flexibility in their administration and in their capability for implementation to ensure that no teachers were going to be significantly affected by whatever happened with the decisions of the students for participation in programs in the first year.

It is interesting that our suspicion was confirmed. In those areas in which there was no rigidity in the implementation of the OSIS regulations there was little problem, particularly in relation to technical teachers. Those are the teachers the member has been primarily concerned about. Those are the teachers about whom the members across the floor have asked questions.

We have been working with the boards in the development of alternative programs to ensure that the teachers who will be needed this year—if not this year, next year and thereafter—for the instruction of all students who must be involved in technical and business programs for the first time will be there and will be available to students. I think we have had a very useful kind of conversation with them. We do not give them orders, but we certainly have given them suggestions.

**Mr. Bradley:** Mr. Speaker, in this whole episode it seems the minister has now blamed principals, guidance teachers and boards of education when it has not worked out the way the minister has suggested it should.

**Mr. Speaker:** Question, please.

**Mr. Bradley:** Is the minister now prepared to accept the recommendations of the Ontario Secondary School Teachers' Federation, which were announced at a press conference by the president of that association not long ago when we raised this matter in the House?

Specifically, is she prepared to accept the recommendation that a special committee or

group be set up to review OSIS, consisting of teachers and others involved in education, and to look at the impact of OSIS on enrolment in various courses? Is she prepared to slow this onslaught towards the implementation of OSIS in 1984-85 when she does not have the curriculum ready and when it is causing such dislocation?

**Hon. Miss Stephenson:** Mr. Speaker, the honourable member knows not whereof he speaks. Within the past 10 days there has been a useful meeting with representatives of OSSTF. There has been discussion of many of the recommendations they have made. It is our responsibility to monitor the impact and that is precisely what we are doing.

To suggest that the implementation of OSIS is an onslaught for the students of this province is sheer—I was going to use the word “hypocrisy” but Mr. Speaker would find that unparliamentary. Therefore, although it totally defines my feeling, I shall have to say it is sheer ludicrous activity on the part of the member to suggest that.

The students in this province must be in a position to face the students who graduate from schools in all other jurisdictions. All we are trying to do is to make sure they have the educational background to meet that challenge this decade, next decade and into the 21st century. That is my intention. That is what we are doing and what we shall continue to do. To call that an onslaught is to detract totally from the educational system in this province, from the professionalism of teachers and from the qualities of boards of education.

**2:30 p.m.**

**Mr. Rae:** The Minister of Education is travelling at least 100 miles from the facts of this situation. She has not come forward with any clear-cut information in this House. She has continued to stonewall and bamboozle since this issue was raised in April.

**Mr. Speaker:** Question, please.

**Mr. Rae:** Can the minister confirm that 38 of 109 boards reported a problem, 27 boards reported no problem and 12 boards did not give a response? Of those saying there was a problem, 19 boards believe the problem is a long-term problem.

Given that the onslaught has affected the employment security of literally hundreds of teachers across this province and the opportunity and sense of chance and hope of thousands of students, when will this government recognize that the policy it has carried out has been a disaster, should be stopped in its tracks and



something put in its place which ensures employment security for teachers and opportunity for young people at the same time?

**Hon. Miss Stephenson:** The member knows full well the kind of suggestion he is making is entirely incorrect. We are concerned primarily with the educational program for students. That is our primary responsibility. It will continue to be our primary responsibility. It is one we shall carry out. I shall be very glad to share the facts with the member and with this House. I had them ready last week to respond to any question that was raised, but nobody raised the question last week. I do not have them with me today.

**Mr. Martel:** Why does the minister not make a statement?

**Hon. Miss Stephenson:** I shall be pleased to make a statement to this House this week about that situation and it will provide all of the facts that are available. I have not stonewalled anything. The only stonewall is the antediluvian attitude of the leader of the third party.

#### EQUAL PAY FOR WORK OF EQUAL VALUE

**Mr. Rae:** Mr. Speaker, I have a question of the Premier with respect to equal pay for work of equal value. A number of weeks ago, on April 26, the Premier stated in the House that he was particularly disturbed by an example that was raised in the course of discussions he had with respect to equal pay for work of equal value. He told the House the example that disturbed him was the discrepancy between two kinds of clerks working in grocery stores in the province.

I would like to ask whether he has done anything about feeling disturbed and whether he could report to the House on any investigations he or his office may have carried out with respect to that discrepancy.

**Hon. Mr. Davis:** Mr. Speaker, I am trying to recall. I think the individual who raised this with me was working in Brockville, if memory serves me correctly. The differential was between two classifications of clerks. My understanding was somewhat different from that of the honourable member, but we were talking about the same situation. I have asked the very distinguished member for Brock (Mr. Welch) to look into this situation.

**Mr. Rae:** That was more than a month and a half ago. Since the Premier responded to it, in case the member for Brock has not given him this study, he might like to know that it affects literally thousands of clerks working in grocery

stores, that women are paid on average \$26 a week less than men and that there is a wage gap of more than \$1,300 a year.

That is simply as a result of a tradition established by the companies that those who are cashiers, price-change clerks, meat wrappers and bakery counter clerks are paid less than those who are shelf stockers or carry-out clerks or those who pack groceries. That discrimination is real. It is not confined to one store and it is not confined to one person. It is real and it is systemic.

When is the Premier going to accept the amendment we have placed to the bill in the name of the Minister of Labour (Mr. Ramsay), an amendment that would guarantee equal pay for work of equal value and guarantee that women who are affected by this situation will be able, finally and at last, after literally 10 decades of discrimination in this instance and in other cases, to do something about it? When is he going to accept that amendment so we can do something for the women of this province who are earning so much less than men?

**Hon. Mr. Davis:** Mr. Speaker, if the members were really sincere about this issue he would expedite the passage of Bill 141.

Interjections.

**Mr. Speaker:** Order.

**Mr. Wrye:** Mr. Speaker, the store involved was Dominion. If the Premier will take the time to look into the two categories of clerks involved, he will find very quickly that the company will argue there are dissimilar jobs involved.

Will the Premier please stand in his place and tell this House and the women of Ontario how the passage of Bill 141 will help that individual woman who came to see him a month and a half ago, and thousands of other women in Ontario? The fact of the matter is it will not. We cannot compare dissimilar jobs under Bill 141 and the Premier knows it.

**Hon. Mr. Davis:** Mr. Speaker, once again I am going by memory. In the situation in the Brockville store, I am not sure whether it was just women involved. As I recall, it was part-time as well as full-time work.

**Ms. Copps:** Shelf stockers versus cashiers.

**Hon. Mr. Davis:** Yes. It was not necessarily male-female. I am just trying to keep the record straight according to my recollection. The passage of Bill 141 will not solve all the problems—no one is suggesting it will—but it certainly would be a very significant step in the



right direction. The member might urge the members across the way to pass this bill.

He might also ask his leader, who was at the Argus Corp. annual dinner according to Zena Cherry, whether he raised it with the people at Dominion Stores.

**Mr. Rae:** The reason we are not pushing ahead with Bill 141, and the reason we are insisting on our amendment to Bill 141, is precisely because we think it is only our amendment that allows people to make a comparison between jobs that the company says are dissimilar. It allows them to go to somebody and get that determination changed.

**Mr. Speaker:** Question, please.

**Mr. Rae:** It allows people to get equal pay for work of equal value. The government's bill does not give equal pay for work of equal value and the Premier knows it. He knows perfectly well it does not.

We have interviewed the salary administrator of Dominion Stores who says the gap is there because the work is dissimilar. He also stated that workers are paid the segregated wage rates even when, on occasion, they have to perform each other's work. He confirmed that part-time workers performing either of these jobs are paid the same amount when working at the top rate of \$9.50 an hour.

The discrimination and the anomalies are there. They are obvious and self-evident. Why will the Premier not accept our amendment to Bill 141? That will finally give the workers of this province a chance to put in a plea for equal pay for work of equal value and have that adjudicated in a fair way. When will he take the power away from the employers of this province and give it to an independent board that will finally give the workers some kind of justice when it comes to equal pay?

**Hon. Mr. Davis:** I can only repeat this. I can understand the leader of the New Democratic Party wishing to maintain his view on this issue. I do not quarrel with that. What I cannot understand is his holding up legislation that would be extremely beneficial to a lot of working people in this province. He sits there day after day delaying this important, significant step forward.

#### USE OF GOVERNMENT AIRCRAFT

**Mr. Roy:** Mr. Speaker, I have a question of the Premier. I want to go back to his attendance at the Blue Jay ball game at Detroit. Will he confirm for me that the scenario for his trip was a government plane to Windsor, an Ontario Provincial Police car to the river, the use of a

government 36-foot launch to get across the river and an OPP car to get him to the ball game? Will he confirm that is the scenario for the attendance at the game?

**2:40 p.m.**

If that is the case, will he advise us of the policy on the use of such government boats, cars, etc.? Does he plan to reimburse the public for the use of the boat? Can he advise us why he could not use the bridge, as everybody else around there did?

**Hon. Mr. Davis:** I am delighted to use the bridge. As a matter of fact, if the honourable member is at all familiar with it, as he might be if he were ever to attend that community or if he were to be in the House here on occasion as well, he might find access through the tunnel to Tiger Stadium to be more convenient than over the bridge, as I have found on the two occasions I have been there. He might find differently, but that is the route I have followed.

**Mr. Wrye:** It is not necessarily so. Do not be silly.

**Mr. Speaker:** Order.

**Hon. Mr. Davis:** I have travelled by the tunnel. I have not gone over the bridge to Tiger Stadium. I would be delighted to confirm to the honourable member that when I am away—

**Mr. Foulds:** Like the dome, it is under the water.

**Hon. Mr. Davis:** Yes, in fact. Regrettably, the way things are, I am in an OPP cruiser.

**Mr. Roy:** If the Premier will confirm, and he seems to be suggesting this, that the use of the boat and the pulling of this boat from its regular duty of patrolling the river was necessary for security reasons or the use of the plane was necessary for security reasons, why is he reimbursing the government?

Second, if all of this scenario is for the Premier's protection and security, how does he follow the logic of the argument that after all this exercise they are dropping him into a stadium with 45,000 screaming fans in one of the crime capitals of the world?

**Hon. Mr. Davis:** I regret the honourable member refers to Detroit as one of the crime capitals of the world.

**Mr. Roy:** That is a fact.

**Hon. Mr. Davis:** If he wants to say that, he can go ahead; be my guest. I think it is regrettable he is so negative and critical about our next-door neighbour, the city of Detroit.



**Mr. Roy:** About your use of government vehicles, yes.

**Mr. Speaker:** Order.

**Hon. Mr. Davis:** There is no secret, though I do not talk much about it. I do not like to talk about it, but I do use OPP security. On this particular occasion, there was no question. It ordinarily takes somewhere between 10 and 15 minutes with the OPP. I was there some weeks ago and they very kindly invited me to inspect their new patrol craft. I think the width of the river at that particular point is roughly three quarters of a mile. The members from Windsor will understand that. I found it really quite pleasant. It is not the first time I have been on an OPP boat nor will it be the last; I expect to be on one again.

I should also point out to the honourable member that he loves to raise these issues. I know his leader was quoted in the Kitchener-Waterloo Record as one of the three who contributes to this very important part of the debate. I will just pose a question to him. What does he think of a head of a government arriving at a totally political event by helicopter at a certain person's farm?

#### VISITATION RIGHTS

**Mr. Philip:** Mr. Speaker, in the absence of the Attorney General (Mr. McMurtry), I have a question for the Provincial Secretary for Justice.

Is the minister aware of a program entitled Access for Parents and Children? This is a service which allows visitation to parents without custody and which is currently funded by the United Church of Canada. Does the minister agree with the statements by Judges Fisher and Thomson of Etobicoke that there is a need for such a program? Does he agree that the program, which was started as a pilot project in 1982, has now proved itself?

**Hon. Mr. Walker:** Mr. Speaker, I am not aware of the program that is operated by the United Church and to which the honourable member is referring.

**Mr. Philip:** In the persistent absence of the Attorney General, given the fact that it can be very expensive and time consuming for a parent who has legal custody of a child to get his child returned even from a neighbouring province, given the fact that in 1983 the number of people using this preventive service doubled to 877 visits, and given the fact that 80 per cent of the visits are court directed, will the minister and the Attorney General now undertake the initiative to fund this project on a permanent basis, since the referrals are from the Attorney General and from

the courts, and to expand it so that it may expand into downtown Toronto?

**Hon. Mr. Walker:** I am sure the Attorney General had an opportunity to answer that question in the course of his estimates, had it been raised by the member in the committee. Second, it could possibly rank in the Attorney General's priorities, but at the moment it does not. It may at some time; who knows?

#### CONFLICT OF OWNERSHIP

**Mr. Cureatz:** Mr. Speaker, I have a question for the Minister of Government Services. Is the minister aware of what appears to be the growing controversy between the regional municipality of Durham and the city of Oshawa concerning who owns the former courts of justice and administration buildings of the former county of Ontario?

**Hon. Mr. Ashe:** Mr. Speaker, I am aware of the issue and the dispute that currently exists between the regional municipality of Durham and the city of Oshawa.

**Mr. Cureatz:** I am glad the minister is aware of it. Will he guarantee that he will not intervene in any way whatsoever in regard to the conflict over ownership of the building? Will he assure us he will respect local government autonomy and let those two municipalities work out their differences?

**Hon. Mr. Ashe:** I am afraid I cannot make that commitment. I feel I have an obligation not only as a minister of the crown, but also as a member representing taxpayers in that area. As far as the actual difference of opinion is concerned, there is no doubt it will ultimately be decided by negotiations and/or legal advice and/or legislation.

However, I do have some thoughts on the issue and the background of the issue because I was a part of that important part of that administration when it was set up, effective January 1, 1974. Therefore, I have some personal knowledge of the issue. Last but not least, the important thing—and I am sure my colleague agrees—is that the rights and fairness of our system and of the taxpayers who mutually represent should be respected.

**Mr. Breagh:** Mr. Speaker, will the minister tell us on what grounds he has intervened in what is essentially a decision to be taken, initially at least, by the regional municipality of Durham? On what basis does a minister of the crown intervene in a local municipal issue of this nature? On what basis does he make the city of Oshawa, the town of Whitby and the regional municipality of Durham deal with his minister?



first and foremost? Would the minister not be better off keeping his obnoxious snout out of that business?

**Hon. Mr. Ashe:** It sure takes one to know one.

**Mr. Swart:** Good line, George.

**Mr. Speaker:** Order. Now for the answer.

**Mr. Wildman:** Dazzle us with your wit.

**Hon. Mr. Ashe:** Sometimes it takes a half-wit to recognize wit.

Interjections.

**Mr. Speaker:** Order. I presume the minister has an answer.

**Hon. Mr. Ashe:** There is no doubt this is being perceived by some as just a municipal issue. In the context of the Regional Municipality of Durham Act, which established the regional municipality of Durham, it was a piece of legislation enacted by this Legislature, unless my memory escapes me. I think part of the interpretation of the act, quite rightly, falls within the responsibility of this government of which I have the honour to be a part.

#### YOUNG FARMERS

**Mr. McKessock:** Mr. Speaker, I have a question for the Minister of Agriculture and Food. It is unfortunate that when all the ideas and suggestions from the farmers across Ontario are put together, the minister cannot come up with some programs of long-term, lasting value, especially for the young farmers of Ontario.

2:50 p.m.

What am I to tell the farmers who are calling me and saying they see no way their sons can get into farming in Ontario with the lack of government assistance? What do I tell the young farmers who call me to say the five per cent interest rebate on mortgages is not good enough and does not provide the stability needed for them to start farming? They tell me they need a longer term, up to at least 20 years, because of the great possibility that at the end of five years the interest rate incurred at that time could very well put them into bankruptcy.

**Hon. Mr. Timbrell:** Mr. Speaker, I think the honourable member can tell them with some pride that in the slightly more than nine months of operation of the beginning farmer assistance program we have approved applications by more than 800 individuals for rebates of five per cent on average long-term debts of about \$130,000 to \$131,000.

There are more than 800 individuals, whose applications have been approved for rebates on average in excess of \$6,500 a year for five years, who are testimony to the success of that program. I recognize, as I am sure the member does, that in government one can never please all people but clearly that is a program that has touched the right nerve.

**Mr. McKessock:** Is the minister prepared, under the beginning farmer assistance program, at least to make it retroactive to 1981 and to make it available to young farmers who have been renting over that period of time, trying to save enough money to make a down payment on a farm?

**Hon. Mr. Timbrell:** The renting issue cuts both ways. For an individual who has not been a full-time farmer, who has not been gaining the majority of his or her income from farming and who proposes to start to do it on rented or partly rented land, we will look at that application. It cuts the other way too. Where an individual has been working off rented land and working full-time in farming, he does not qualify if he started prior to January 1, 1983.

The answer to the first part of the member's question is no, I am not going to move the date back any further. What I am doing is advancing proposals to the federal government with respect to agribonds. If we can get a joint initiative there, we should be able to target a broader group, particularly those people who began their farming careers from the mid- to late-1970s up to the point where our beginning farmer assistance program kicks in at January 1, 1983. That is one of the benefits of our joint initiative.

I am sure that as the members of the Liberal Party all sat at the feet of the master last Saturday in the Ottawa Civic Centre, they were saying to John: "We like what you said last night about preserving the family farm. One of the things you can do to help us do that in Ontario and the rest of the country is to accept Ontario's proposal for agribonds."

#### FARM ADJUSTMENT ASSISTANCE PROGRAM

**Mr. Swart:** Mr. Speaker, I have a new question for the Minister of Agriculture and Food.

I think anyone familiar with the farm situation would agree that the four requests made by the Ontario Federation of Agriculture in their brief today are reasonable and responsible requests.

The minister may dismiss the red meat proposal, saying he cannot get agreement, but



that is just an excuse. He knows it is a voluntary program; people do not have to go into it if they do not want to.

**Mr. Speaker:** Question, please.

**Mr. Swart:** I want to ask a question about the Ontario farm adjustment assistance program, because there is no disagreement among the organizations about expanding OFAAP, and that is requested in the proposal.

Is it not true that the minister told us when he initiated the plan that he was putting \$60 million into the program and that later he suggested he might be putting another \$20 million into it, for a total of \$80 million? Is it also not true that for the 1982 program he paid out, at most, \$25.3 million to the farmers, that in the 1983 program he paid out only \$4.8 million and that the 1984 program has just started, so there is nothing in it at all?

Why does the minister not expand OFAAP to make it more generous and kick in an interest rate at 10 per cent as requested by the Ontario Federation of Agriculture when he already has the money promised to do it?

**Hon. Mr. Timbrell:** Mr. Speaker, we discussed this very point in estimates last November or December, and my answer then would be the same today; that is, when we began the program, that was an estimate of the cost.

Probably when we start a program like this, which is breaking completely new ground and where we really cannot predict with any certainty what the expenditures will be, we should budget \$1 to establish the line account in the budget and then spend whatever is necessary according to the terms of the program.

In the fall of 1982, I announced the extension of the program. I remind the honourable member that within weeks of becoming minister I did broaden the terms of OFAAP so that it would include more farmers. In the fall of 1982, when I announced its extension, I indicated it could cost as much as another \$20 million—again an estimate.

The actual expenditures have been less than the amount budgeted. However, there are many other programs in my ministry, the farm tax rebate program or whatever—I see you want me to be brief, Mr. Speaker, and I will try—for which we have gone over budget in those years. For every program members can point to where our expenditure estimates were high, I can point to some where we had to spend more to meet the real needs of agriculture.

**Mr. Swart:** We on this side of the House can be forgiven for getting a little sick of hearing about all the other programs. The simple facts are

that the Ontario government spends less on agriculture as a proportion of its budget than any other province in Canada except Newfoundland.

**Mr. Speaker:** Question, please.

**Mr. Swart:** Does the minister not realize that because of the difficulties the farmers have been going through, the 14 per cent interest rate they have to pay now is as difficult as perhaps 16 per cent or 18 per cent or 20 per cent was a couple of years ago? If he really wants to assist the farmers, why does he not at least lower that kick-in to 10 per cent? Why does he not change the program so that the money goes to the farmers?

Can the minister confirm that in the 1983 program the farmers themselves were paid some \$400,000, but the banks got \$4.2 million in guarantees, 10 times as much? Does he not think it is better for the money to be fed to the farmers than to the banks?

**Hon. Mr. Timbrell:** To answer the last of those three questions first, the guarantees are made on loans given not just by the banks, but in some cases by trust companies and in other cases by credit unions, many of whose members would be members of the farm community. That is one part of the program that has been very popular because using option C under OFAAP has meant the difference between farming or not farming for a good many people.

With respect to interest rates, which we discussed when I met with federation representatives at noon, we are talking about a program broader than just agriculture that looms on the horizon. It is a problem that the federal government is simply going to have to address on behalf of all sectors of the economy.

In the recent race for the prime ministership there was a lot of talk about capping interest rates. Naturally, if the federal government is going to pursue that kind of policy, one would hope it would do so quickly to relieve a lot of concern in the agricultural sector and across the economy.

I want to point out that in terms of spending this government does not take a back seat to anyone. We do not claim to have the highest percentage of our budget devoted to agriculture but we are in the middle range of all the provinces. In fact, with the budget of \$334.7 million in my ministry, expenditures in the Ministry of Revenue for such things as sales tax rebates and fuel tax rebates, and the Board of Industrial Leadership and Development program, the total spending by this government in this area this year will be almost half a billion dollars.



## RED MEAT PLAN

**Mr. Wiseman:** Mr. Speaker, I have a question for the Minister of Agriculture and Food.

This morning on Canada AM I listened very closely to the legislation that is on the books to be passed before the federal government adjourns for the summer. The stabilization program for red meat was not one of the programs mentioned. If we were to listen to the rumours that the federal Minister of Agriculture will be replaced by someone else and if we were to listen to some of the other rumours that we will be seeing a federal election in the very near future, and in view of the fact that the farmers of Ontario and of the country have been promised a stabilization program that will not come through if that happens, is the Minister of Agriculture and Food prepared to go it alone, to help the farmers once again and bail out the federal government?

**Mr. Harris:** That is the only good question that has been asked today.

**Hon. Mr. Timbrell:** The member for Nipissing (Mr. Harris) is quite right. That has been the only relevant question asked of this minister today.

**Mr. Speaker:** Order.

3 p.m.

**Hon. Mr. Timbrell:** The honourable member knows well, because I have been keeping all the members well informed on the progress of these discussions, that we do have the commitment of the federal government as of February 10 to support the tripartite stabilization. On about April 9 or April 10, the federal minister issued a press release—I have a copy of it here for anybody who is interested—indicating the federal cabinet had approved the legislation to give effect to what we agreed to in February.

I have been in regular touch with the federal government at various levels all through the recent leadership campaign to keep this issue in the forefront. This morning I spoke with the present federal Minister of Agriculture and he assured me the federal position is that if it can get agreement to quick passage of the bill in the House of Commons, it will be introduced.

I followed up that conversation with a call to the eastern Canadian agricultural critic for the official Opposition in the House of Commons and he assured me his party is prepared to give it quick passage; so I should know later today. Mr. Whelan was going to let me know if he foresaw any problems about introduction. Based on what Mr. Cardiff, the MP for Huron-Bruce, said to me

in response to what Mr. Whelan had said to me, it seems there is still a good chance the legislation can get through.

Now to answer the second part of the question—

**Mr. Speaker:** I think in view of the time we had better have a supplementary.

**Mr. Wiseman:** Mr. Speaker, perhaps we could let the minister finish the last part of the question, because to me that is very important.

**Hon. Mr. Timbrell:** Mr. Speaker, in answer to the member's supplementary, I have to believe the present federal Minister of Agriculture and the present federal government will keep their word, because they are very firmly on the record. In the April press release Mr. Whelan said getting this through was one of the highlights of his 11 years as Minister of Agriculture.

Obviously I am looking at my options if they break their word and the legislation is not passed, because I do not want to let down the red meat industry.

**Mr. Riddell:** Why is the minister endeavouring to make the farmers believe the tripartite stabilization program is their survival kit, their panacea or whatever? Let us take a look at the Ontario Federation of Agriculture's own figures. In 1983, for slaughter cattle under the tripartite stabilization program, there would be a payout of \$2.07 per head and the premium paid would be \$6.93. In other words, the premium amounts to more than the payout.

Why is the minister leading the farmers to believe this is their survival kit? Why does he not do something in this province to help the farmers out with the crisis they find themselves in?

**Hon. Mr. Timbrell:** The tripartite stabilization program has never been intended, and I have never described it to anybody, as a cure-all.

**Mr. Riddell:** The minister says that all the time.

**Mr. Speaker:** Order.

**Hon. Mr. Timbrell:** It is one part, and if the honourable member would study the record, he would know that here, in estimates, anywhere out in the country—and I have travelled extensively meeting farmers all over Ontario—I point out that this is one part of the answer to the problems of that sector. The red meat plan is another part of the answer. The agribond proposal is another part of the answer. Our proposals on section 31 of the Income Tax Act are another part of the answer. The beginning farmer assistance program is another part of the answer. The enrichment of the property tax



rebate program is another part of the answer. The tripartite stabilization program is only one part.

If we take the program as it has been negotiated with the federal government, the Canadian Cattlemen's Association, the Canadian Pork Council, the Canadian Sheep Breeders Association and the other provinces, and if we assume 100 per cent participation for the slaughter cattle program between 1981 and 1983, the premiums paid would have been \$16,707,000 and the payouts would have been \$39,960,000.

**Mr. Speaker:** The time for oral questions has expired.

#### MEMBERS' EXPENDITURES

**Mr. Rae:** Mr. Speaker on a point of order: I want to raise with you, sir, the publication today of the individual members' expenditures for the fiscal year 1983-84. I want to ask you why we should continue to put up with the blarney that is in here that tells us the Premier (Mr. Davis) did not spend any money on long-distance phone calls and no money on translations.

If we look through the list of cabinet ministers, we find none of them took any trips they charged to their assembly accounts. They all come out looking as if they have not spent any money at all, when everybody in this place knows perfectly well everything they do is deep-sixed and buried deep within their ministerial budgets.

On behalf of my party and my colleagues, I am a little tired of seeing information about the spending on that side totally and systematically underestimated at the same time as our information is made public.

I have no objection to everyone knowing what our budgets and accounts are. What I object to is the way the cabinet members systematically bury their expenditures every time in a way that is fundamentally misleading to the taxpayers of this province.

**Mr. O'Neil:** Mr. Speaker, on the same point of privilege: Last year at approximately this time I raised the same matter in the Legislature with the Premier. Many members, not only on this side of the House but also on that side, went back to their ridings to find local newspaper headlines stating that the local member outspends the Premier and other cabinet ministers.

I raised the matter with the Premier in his estimates and he said he would have his staff look into it and see that it was corrected this year. As the leader of the third party has said, that has not taken place. It places not only the members of the opposition but also other members of the

government party at a disadvantage. Since the Premier has stated he will look into it, I hope he will look into it next year if he is still around.

**Mr. Mancini:** Mr. Speaker, I wish to join my colleagues in support of full publication of all expenditures.

Interjections.

**Mr. Speaker:** Order. Proceed, please.

**Mr. Mancini:** The points made are very apt and accurate. It is somewhat dismaying to see the government ministers being driven around. It is fine if that is one of the perks they have decided to give themselves, but those perks should not be listed as part of the legitimate expenditures under the rules they have adopted. I draw to your attention for your information, Mr. Speaker, the expenses listed under the name of the Speaker. As I look under the word "accommodation," I see that—

**Mr. Speaker:** Order. The member for Sudbury East (Mr. Martel).

**Mr. Mancini:** I am not finished.

**Mr. Speaker:** Order. You have made your point.

**Mr. Mancini:** I have not done anything out of order.

**Mr. Speaker:** Order.

**Mr. Mancini:** I ask you, Mr. Speaker, to listen to my point in the same way you listened to the points of the member for Quinte (Mr. O'Neil) and the member for York South (Mr. Rae).

**Mr. Speaker:** Order. I will not tolerate any reference to the chair. I have made that point before and I make it again. The member for Sudbury East.

**Mr. Mancini:** Mr. Speaker, I am not saying anything out of order. In no way am I trying to demean the chair.

**Mr. Speaker:** Order. I caution the member for Essex South to resume his seat.

**Mr. Mancini:** I have not done anything out of order. I think it is advisable for you, Mr. Speaker, to treat every member alike.

3:10 p.m.

**Mr. Nixon:** Mr. Speaker, I have a feeling that a lack of understanding in this situation may lead to something no one wants to have happen. I am sure you are aware that my colleague is not criticizing the chair or its incumbent. He is simply indicating that whoever is Speaker of the House has an apartment provided—it used to be a member of the New Democratic Party, for example—and it is not charged in this book at all.



This is a matter that is in no way critical of the Speaker's position or the chairmanship. It is simply an indication of how misleading this information can be.

**Mr. Speaker:** You are quite right, of course, and that was not my objection; it is a well-known fact and no great secret. But I will not condone any reference to me as a person when I cannot reply.

**Mr. Mancini:** If that is your ruling, Mr. Speaker, I will withdraw the reference to the chair.

**Mr. Speaker:** Fine. Now, will you please resume your seat?

**An hon. member:** He has not finished.

**Mr. Speaker:** I think he has made his point quite well.

**Mr. Mancini:** Mr. Speaker, it is not fair for you not to allow me to finish.

Interjections.

**Mr. Speaker:** Order. The honourable member will please resume his seat. The member for Sudbury East.

**Mr. Mancini:** On what grounds will you not allow me to continue? I have not done anything out of order, Mr. Speaker.

**Mr. Nixon:** Let us make it clear. He has withdrawn the reference.

**Mr. Speaker:** I realize that. I think this is getting rather repetitious. Everybody is making the same point. I was willing to hear what you had to say.

**Mr. Martel:** Mr. Speaker, on this matter, as you know—

**Mr. Mancini:** Oh, no. On a point of privilege, Mr. Speaker: You are not going to say to me I cannot continue and then allow the New Democratic Party House leader to continue.

**Ms. Copps:** He has the same privileges as anybody else does.

**Mr. Speaker:** Let me make a ruling right now that it is not a matter of privilege. Nobody's privileges have been offended in any way, shape or form. I know exactly what you are saying, but it is beyond the jurisdiction and authority of the chair to deal with it.

**Mr. Nixon:** Mr. Speaker, this information was tabled by you. If it is not a fair representation of all the facts in the view of some honourable members, surely they have a right to bring it to the attention of the House and the public by addressing you.

**Mr. Speaker:** I point out to the House leader of the Liberal Party that is exactly what they have done. I have allowed the members to make their point. I think they have made it extremely well. We have heard enough of this. Everybody is saying the same thing, as I said before. The member will please resume his seat.

**Mr. Martel:** Mr. Speaker, I have been on this now for a year and a half—

**Mr. Speaker:** Yes, you have indeed. Order.

**Mr. Martel:** —at board meeting after board meeting to get to the point about some resolution of this. We had several board meetings at which I said it was unfair—

**Mr. Speaker:** Order.

**Mr. Martel:** I said it was unfair then and it is unfair now—

**Mr. Speaker:** The member for Sudbury East will please resume his seat.

**Mr. Martel:** You cannot hide any more behind what you are doing. Every time I raised this at the board—

**Hon. Miss Stephenson:** It is within the estimates of every single ministry.

**Mr. Martel:** Do not give me that nonsense. I have tried over and over again—

**Mr. Speaker:** Order. Everybody understands what you are saying.

**Mr. Martel:** I am going to speak on the point of order.

**Mr. Speaker:** The point has been well made. Interjections.

**Mr. Martel:** Might I ask the Speaker for some assistance then?

**Mr. Speaker:** There is no provision in the standing orders to ask the Speaker anything.

**Mr. Martel:** I am trying to rise on a point of order. Mr. Speaker, what are we—

**Mr. Mancini:** Oh no, Mr. Speaker—

**Mr. Martel:** I have the floor on a point of order.

**Mr. Speaker:** Order. If I may explain my position—will both members please resume their seats? The member for Essex South (Mr. Mancini) rose on a point of privilege to support the original point made by the member for York South. I listened to him.

**Ms. Copps:** You cut him off.

**Mr. Speaker:** I did with due reason. I also made a ruling, with all respect, that it is not a point of privilege. The member for Sudbury East has risen on a point of order. I have recognized

him and I am willing to hear whatever the point of order may be.

**Mr. Mancini:** Mr. Speaker, the leader of the New Democratic Party rose on a point of order. Interjections.

**Mr. Mancini:** The member for Quinte rose on a point of order. I rose on a point of order. I am the only member you have refused to hear today.

**Mr. Speaker:** Order.

**Mr. Mancini:** You did not even allow me to describe the fact that I—

**Mr. Speaker:** Order.

**Mr. Mancini:** You are not going to allow the House leader for the New Democratic Party to speak when you have not given me the same privilege.

**Mr. Speaker:** I advise the honourable member, as he well knows, that he is not going to direct me to do anything.

**Mr. Mancini:** I have every right to state my case; I have every right to—

**Mr. Speaker:** You have indeed, which you have done.

**Mr. Mancini:** —and I wish to be treated equally; to receive the same treatment as other members.

**Mr. Speaker:** Order.

**Mr. Martel:** Mr. Speaker, I am seeking your assistance on the point of order.

**Mr. Speaker:** I am listening carefully.

**Mr. Martel:** Mr. Speaker, in view of the fact that this matter has been raised on a number of occasions both here in the House and before the Board of Internal Economy, and in view of the fact that the same malarkey continues to be printed, can you advise me how we can ensure that the figures for everyone are presented at the same time? Will you just answer that for me?

**Mr. Rae:** In ways that are comparable.

**Mr. Martel:** So they are all there before everyone.

**Mr. Speaker:** Obviously I cannot answer that. Quite clearly, the honourable members have made their point; the government House leader has listened attentively, as have other members.

**Mr. Bradley:** He listened last year and he did not do anything.

**Mr. Speaker:** Order. As the member knows, it is beyond my authority and jurisdiction to deal with this. We do talk about these matters at the Board of Internal Economy, as he well knows.

**Mr. Mancini:** You tabled this, Mr. Speaker.

**Mr. O'Neil:** Let us hear it from the Premier.

**Mr. Speaker:** Order.

**Mr. Mancini:** Mr. Speaker, I would like to have the opportunity to finish—

**Mr. Speaker:** Order. Member for Essex South, just sit down for a moment. Sit down, please.

**Mr. Mancini:** I sat down and I gave the House leader of the New Democratic Party the opportunity to speak, because I was under the impression that you were going to allow me to finish my earlier point. Was I under the wrong impression, Mr. Speaker?

**Mr. Speaker:** Will you please resume your seat. Quite obviously you did not listen to my ruling. It is not a matter of privilege, nor is it a matter of order.

**Ms. Copps:** He said it was a point of order.

**Mr. Speaker:** Order. After I had made that ruling, the member for Sudbury East rose on a point of order again, to which I listened.

**Ms. Copps:** That is what the member for Essex South is rising on, a point of order.

**Mr. Speaker:** If we are going to take up the time of the House in being repetitious—

**Mr. Nixon:** How can we defend ourselves against information that may be misleading.

**Mr. Speaker:** I think you have done that very well. Order.

**Mr. Mancini:** Mr. Speaker, I will not sit down—

**Mr. Speaker:** Well, it is most unfortunate that you would make that decision.

**Mr. Mancini:** I will not be treated differently from the leader of the New Democratic Party, the member for Quinte, and the House leader of the New Democratic Party. I will not allow myself to be treated any differently in this House.

**Mr. Speaker:** Will the honourable member resume his seat, please.

**Mr. Mancini:** I was in my seat earlier, and you have tried to take my privileges of free speech away from me.

**Mr. Speaker:** Will the honourable member resume his seat.

Interjections.

**Mr. Speaker:** I have no alternative but to name the member for Essex South, and I would ask the Sergeant at Arms—

**Mr. Sweeney:** This is stupid.



**Mr. Speaker:** I know it is, but it happens.

Mr. Mancini was escorted from the chamber by the Sergeant at Arms.

**Ms. Copps:** Why do you not just give him his point of order, as you gave every other member?

**Mr. Speaker:** I did.

Interjections.

**Mr. Speaker:** Order.

**Ms. Copps:** You let other members speak. You muzzled him.

**Mr. Speaker:** No, I did not.

**Ms. Copps:** Yes, you did.

**Mr. Martel:** You cover it up year after year. You do not even send a letter out.

**Mr. Speaker:** Order.

3:20 p.m.

### CIVIL LIBERTIES OF POLICE

**Mr. Stokes:** Mr. Speaker, on a point of order: Would it be appropriate for me to remind the Premier (Mr. Davis) that on three different occasions he made a commitment to me in this House that he would investigate a very serious situation whereby a member of the Ontario Provincial Police has been denied the right to sit on a school board?

This was done by regulation promulgated by the Chairman of Management Board of Cabinet (Mr. McCague) and, I presume, with the full knowledge of the Solicitor General (Mr. G. W. Taylor). The Premier agreed on three different occasions to look into it to see that the civil liberties and the human rights of this very dedicated OPP officer were not being abrogated, and he has not lived up to that commitment.

**Mr. Speaker:** I must point out that is not a point of order, but obviously you have made your point and the Premier has listened to you and will undoubtedly respond.

**Hon. Mr. Davis:** Mr. Speaker, speaking to the point of order—

**Mr. Peterson:** I rose first.

**Mr. Speaker:** It was not a point of order.

### MEMBERS' EXPENDITURES

**Mr. Peterson:** Mr. Speaker, you just ruled it was not a point of order. I can see the confusion, because no one knows what a point of order or a point of privilege is under your—shall I be charitable?—varying, different analyses of these kinds of rules of this House. I regret very much this has arisen, but one of the realities is that there are many members of the House who feel the

only recourse is to bring to your attention something you tabled. Nothing has been done.

You have ruled that it is not a legitimate point of privilege or a point of order. I say to you respectfully, sir, you are wrong. There is no other recourse and, as a result, my colleagues and I are obliged to challenge your ruling.

4:07 p.m.

The House divided on the Speaker's ruling which was sustained on the following vote:

### Ayes

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Birch, Brandt, Cousens, Cureatz, Davis, Dean, Drea, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Henderson, Hennessy, Hodgson, Jones, Kells, Kennedy, Kerr, Kolyn, Lane, Leluk;

MacQuarrie, McCaffrey, McCague, McEwen, McLean, McNeil, Mitchell, Norton, Piché, Pollock, Ramsay, Robinson, Rotenberg, Scrivener, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Villeneuve, Walker, Watson, Welch, Wells, Williams, Wiseman.

### Nays

Boudria, Bradley, Bryden, Charlton, Conway, Cooke, Copps, Cunningham, Eakins, Edighoffer, Elston, Epp, Foulds, Grande, Haggerty, Johnston, R. F., Kerrio, Laughren, Lupusella, Mackenzie, Martel, McClellan, McGuigan, McKessock, Miller, G. I.;

Newman, Nixon, O'Neil, Peterson, Philip, Rae, Reed, J. A., Reid, T. P., Renwick, Riddell, Roy, Ruprecht, Ruston, Samis, Sargent, Spensieri, Stokes, Swart, Sweeney, Van Horne, Wildman, Wrye.

Ayes 64; nays 47.

### PETITIONS

#### INDEPENDENT SCHOOLS

**Mr. Kolyn:** Mr. Speaker, on behalf of the member for Carleton (Mr. Mitchell), I table the following petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned electors and residents of Carleton, beg leave to appeal to petition the parliament of Ontario as follows:

"We appeal to the Legislature to provide form and substance in law for the basic human right of parents in Ontario to choose the kind of education that shall be given to their children. The present

educational policy provides no guarantees for the existence of independent schools that are one of the concrete expressions of this basic parental right.

"The supporters of these schools also face a form of financial double jeopardy through a lack of access to the compulsory and indirect taxes they must pay in support of education. We seek a just public education policy that supports all schools deemed to be in operation in the public interest."

#### FACILITIES FOR LEARNING DISABLED

**Mr. Kolyn:** Mr. Speaker, on behalf of the member for Carleton (Mr. Mitchell), I also table the following petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned electors and residents of Carleton, beg leave to appeal to petition the parliament of Ontario as follows:

"We respectfully request that the Ontario government acknowledge the educational needs of learning disabled children by incorporating the right under law of independent institutions to meet their needs. While local school boards are increasingly providing facilities for the learning disabled, there yet remain significant numbers of children of average and above average abilities who require attention of a nature and extent that school boards cannot and perhaps should not be expected to provide.

"We request public support for such institutions so that the children who require specialized instruction in order to learn to read or write or concentrate can eventually take full advantage of standard educational facilities, take their rightful place in society and fulfil the roles of which they are capable."

#### REPORT

##### STANDING COMMITTEE ON REGULATIONS AND OTHER STATUTORY INSTRUMENTS

Mr. Sheppard from the standing committee on regulations and other statutory instruments presented a report and requested that it be placed in Orders and Notices for consideration pursuant to standing order 30(b).

**Mr. Sheppard:** Mr. Speaker, as chairman of the standing committee on regulations and other statutory instruments, I wish to present the committee's first report, 1984. This report completes our work on the regulations filed in 1983 and brings up to date the situation with respect to delegate legislation in Ontario and

elsewhere of interest to the members of this House.

#### MOTION

##### ADJOURNMENT OF COMMITTEE

Hon. Mr. Wells moved that members of the select committee on the Ombudsman be authorized to adjourn to Stockholm, Sweden, to attend the third International Ombudsmen's Conference.

Motion agreed to.

#### INTRODUCTION OF BILL

##### LINE FENCES AMENDMENT ACT

Hon. Mr. Bennett moved, seconded by Hon. Mr. Eaton, first reading of Bill 111, An Act to amend Certain Acts in relation to the Line Fences Act.

Motion agreed to.

**Hon. Mr. Bennett:** Mr. Speaker, the legislation has two purposes. One is to establish a new method of hearing appeals from the awards of municipal fence-viewers. The bill proposes that appeals be heard by individual referees appointed for different areas of the province. These referees will be chosen on the basis of their specialized knowledge in fencing issues and of the conditions relating to line fences in Ontario, especially in agricultural areas.

This proposal is very similar to the resolution recently put forward by the member for Northumberland (Mr. Sheppard), which was passed by the House on May 31. I am very grateful for the advice of the member for Northumberland and the other members who spoke on the resolution.

The bill is being introduced for first reading only, so there will be ample opportunity for the Ontario Federation of Agriculture, the Association of Municipalities of Ontario and all other interested parties to review the proposed changes to the act and to provide me with their comments.

#### MOTION TO SET ASIDE ORDINARY BUSINESS

Mr. Peterson moved, seconded by Mr. Riddell, that pursuant to standing order 34(a), the ordinary business of the House be set aside in order to debate a motion of urgent public importance, namely, the deteriorating financial state of the agricultural industry in this province and the complete lack of confidence on the part of the farming community in the future economic recovery of this industry brought about by:



The continued increase in the record number of farm bankruptcies in Ontario, which increased by 157 per cent between 1979 and 1983;

The lack of provincial government financial support programs to address the immediate needs of Ontario farmers;

The lack of available short- and long-term credit for farmers at affordable interest rates;

The lack of adequate provincial government financial support to Canadian food processing industries such as Topaz Foods Ltd. of St. Thomas.

4:20 p.m.

**Mr. Speaker:** I beg to inform all honourable members that the notice for motion for an emergency debate has been received in time. I am looking forward with great interest to listening for up to five minutes to each party as to why it thinks the ordinary business of the House should be set aside.

**Mr. Peterson:** Mr. Speaker, I have five minutes to attempt to persuade you, and through you the members of this Legislature from all parties, that we must devote the remainder of the afternoon—and it should be far longer than that—to discussing the problems in the agricultural community in this province.

You recognize and I recognize that we in the opposition have a limited number of devices in order to put forward our concerns. It is not without consideration that we move for an emergency debate, because we truly believe there is an emergency. I say in all candour that we could have said yesterday there was emergency, we could have said six months ago there was an emergency and we could have said a year ago there was an emergency. Indeed, through the collective and forceful voices of my colleagues, who are so intimately and personally familiar with the real problems in the agricultural community, we have put forward those concerns to members before.

Today we have the pleasure of having a number of representatives from the Ontario Federation of Agriculture and the farming community in the galleries. They have taken time off in a very busy season to come forward here to this Legislature to discuss their real problems with all members.

It speaks to the frustration they are experiencing; it speaks to the desperation that is being felt in the farm communities, which is not just economic in its ramifications. Not only is this a serious financial crisis that we have today, but probably even more severe, it is a sociological crisis as well.

We are seeing the face of rural Ontario changed. We are seeing less and less room for the family farmer. We are seeing second- and third-generation farmers, good people, not the speculators that some people were tough on a year or two ago and not even the entrepreneurs, but the people who are proud to be of the soil and working with the soil, virtually in a situation of desperation today through no fault of their own but through high input prices and low commodity costs for year after year—and this has been a mounting problem.

I have the feeling sometimes that the only person who does not hear those cries is the Minister of Agriculture and Food (Mr. Timbrell). He is here to listen to me and to my colleagues. I was glad to see one of his own colleagues impress upon him the folly of some of the premises upon which he is currently operating. There is an immediate crisis. If it is not solved, the minister will see the situation deteriorate.

I am not satisfied at all with his claim that he has increased things in the last budget. Yes, he did over last year and over two years ago, but it was marginal at best, if anything, considering inflation.

Our farmers are as good as any other farmers in the world, maybe even better, but they are not playing by the same rules. We have established on other occasions that we have the lowest per capita transfer in the agricultural community of any province. They can compete against their peers in any other province, but they cannot compete against other governments and the subsidy programs of other governments, jurisdictions and provinces, that have been far more progressive than this province has been.

As we add up that erosion of capital, I suspect there is not a farmer in this province who is better off today than he or she was three years ago. One does not have to be very prophetic to look ahead, given the current situation of interest rates creeping up and not a lot of relief on the price side, and to say it is going to be worse a year from now than it is today. We can dream and we can hope, and I am one of those who hopes desperately that it will change. However, I have to say I am not optimistic.

As legislators, we have to decide whether we will address those critical problems, not only in the short term but in the long term as well. We have put our ideas forward for consideration in very specific ways. If the minister does not like them, he should come up with some better ones, but he should not try to set group against group as



an excuse for inaction. That is his constant response.

After he has listened to my colleagues, my colleagues in the New Democratic Party and to some of his own colleagues, I hope he will be able to persuade his colleagues to move. The minister, who had such great promise two and a half years ago, has not delivered. We expected more.

**Mr. Swart:** Mr. Speaker, on behalf of my party, I rise to endorse the proposal that this debate should go ahead today. In one respect, I do it with some misgiving because we have injured workers in the galleries today who had been assured by an all-party agreement that the bills concerning the Workers' Compensation Board would be dealt with today. However, they will proceed this evening and tomorrow. When there is a resolution before us to set aside the business of this House to deal with the very serious problems of farmers, I and my party must support it.

I and my party consider the situation in the farming community to be serious. We found this out last fall when we had our task force and toured the province. We did not just hear in words of the problems the farmers were facing. One has to meet the farmers and to observe the way they feel in order to know the desperate situation that exists in the rural community among farmers.

Many of the farmers I met on the task force tour call me every week or every month to tell me the situation is no better and that for many of them it is worse. Regardless of how he likes to gloss it over, the call for the resignation of the minister is an indication of the desperate situation in the farming community.

There is the very fact that today all of us as MPPs were lobbied by a group of several farmers asking us to take some immediate action to help them. It is a precedent, the first time it has ever been done. That is an indication of what the farmers are suffering and of the need for various forms of assistance. There is a problem among the farming community unprecedented since the last depression.

The situation is such that the budget the Treasurer (Mr. Grossman) brought down, and which was defended by the minister, provided no new assistance to farmers. There was nothing new on a red meat stabilization program. There was nothing new at all for farmers in that budget. It had all been announced before.

Everybody who is familiar with the farm situation knows the farmer's income or the

farmer's share of the consumer's dollar has dropped since 1980; it is in the brief. In four years it went from something like 56 to 49 per cent. If we use the appropriate term for that, it means their income as a share has dropped by 14 per cent.

In the face of all that and the requests that have been made by the Ontario Federation of Agriculture, the minister today, in effect, said, "I do not intend to provide any additional assistance of any kind to you people out there." That is the sum and substance of what the minister told us today.

**4:30 p.m.**

I think that shows the farmers are, as of today, in a very desperate situation and this debate is needed. I also know we have to consider it an emergency. I want to say there are a number of reasons this is an emergency, an emergency as of today and as of very recently.

What has happened at Ottawa, in spite of what the minister says, is that the tripartite red meat stabilization program is in limbo. I also talked to Ottawa. I cannot say whom I talked to; I did not talk to the minister. There is very little likelihood that it is going to be dealt with in this session.

Interest rates are increasing substantially, and that is another reason this is an emergency. If the bank rate goes up again on Thursday, there is no question but that the prime rate is going to be increased. As far as the prime rate goes, it has already gone up one percentage point this year from 11 per cent to 12 per cent and it will likely go up more. Mortgage rates have already gone up this year by two percentage points.

Finally, we have a new situation with the reasonable proposals that we have had brought before us today by the Ontario Federation of Agriculture. Therefore, we should proceed with the debate and provide some assistance to the farmers in this province.

**Hon. Mr. Timbrell:** Mr. Speaker, first of all, I want to join in the welcome to the members of the Ontario Federation of Agriculture, four of whom I met with at about noon today.

Secondly, I would like to say we will not stand in the way of this debate proceeding. I think it would be appropriate for all honourable members, on whichever side of the House, who wish to say something about agriculture to have the opportunity to do so.

I would like the opportunity to correct the record again about the kinds of things the government has done and is doing and about proposals we have advanced and proposals we are advancing at this time.



A lot of the members who will participate today have already spoken in the throne debate, the budget debate and the estimates debate. It is not as though there have not been opportunities for members to express their concerns and advance their ideas.

The member for Welland-Thorold (Mr. Swart) said there was an agreement to deal with the legislation of concern to injured workmen. I would not mind taking the time between now and when the House rises for supper at six o'clock to pass the legislation which will allow my ministry to get on with establishing the financial protection plan for grain corn producers. That is a real problem that has to be addressed.

I am not suggesting that talk is worthless, but in the limited time available to us in this session I would have preferred to ask the members opposite, "Why do we not use that time to get that legislation through so we can establish that protection fund?"

**Mr. Martel:** Have you even introduced it?

**Hon. Mr. Timbrell:** Yes.

**Mr. McClellan:** It is not on the order paper.

**Hon. Mr. Timbrell:** Yes.

**Mr. McClellan:** Show us on the order paper.

**Hon. Mr. Timbrell:** Bill 104 and Bill 105 on your local neighbourhood order paper. It is right here.

**Mr. McClellan:** Talk to your government House leader about calling it then.

**Mr. Nixon:** Mr. Speaker, on a point of order: Is the minister referring to the bills that were introduced late last week by special permission from all sides of the House, when the minister was able to rise during other business to get them before the House after he has been delaying the introduction of them since before Christmas? Are those the bills?

**Mr. Speaker:** I think, with all respect, we are debating—

**Mr. R. F. Johnston:** I think those must be the same bills.

**Mr. Speaker:** Order. This is not oral question period. We are debating a motion put forward by the Leader of the Opposition (Mr. Peterson).

**Mr. Martel:** Mr. Speaker, on a point of order: We consented to that last week. We consented to try to do them when they were printed. The government has not asked for them yet.

For this minister to get up and try to convey an impression to the farmers who are here that we are not ready to expedite passage of that bill is not

factual, as he knows. He should not try to convey that impression to anybody.

**Mr. Speaker:** Order.

**Mr. Boudria:** In other words, tell the truth.

**Mr. Speaker:** Order. I have no knowledge of any agreements between any parties on anything and it is beyond my jurisdiction.

**Mr. Martel:** I understand that, Mr. Speaker.

**Mr. Speaker:** Then let us get back to the motion.

**Hon. Mr. Timbrell:** I already indicated I am pleased to have the opportunity to hear the views of honourable members in addition to those views already expressed in the debate on the throne speech, the budget debate, estimates and elsewhere. My point was quite simply that in the limited time available to us in the remaining days of the session, I would have thought that would have been a possibility.

From comments I hear when I sit here and listen, or when I read the newspaper accounts of comments from the parties opposite, one would believe the government never does anything, never does anything right and has never had a good idea in its entire collective life. That, of course, is nonsense, and I think the farm community knows that.

**Mr. McClellan:** That is your trouble. You have always taken the low road and that is why you are in so much trouble.

**Mr. Speaker:** Order.

**Hon. Mr. Timbrell:** I do not know why the members opposite have so much difficulty listening to other members. They do not mind when we sit quietly and listen to them, but when we get up, all of a sudden they have to babble like a bunch of idiots.

**Mr. Renwick:** You are out of order.

**Mr. Martel:** Is that parliamentary?

**Hon. Mr. Timbrell:** I travel around the province a great deal meeting with individual farmers and farm groups.

**Mr. McClellan:** Was that parliamentary or not?

**Mr. Speaker:** Order.

**Mr. Martel:** Are those comments parliamentary, Mr. Speaker?

**Mr. Speaker:** He was making an observation.

**Mr. Martel:** Yes, I know he was making an observation.

**Mr. Speaker:** I heard you make an observation as well.



**Hon. Mr. Timbrell:** Mr. Speaker, I find that, speaking generally, with the—

**Mr. McClellan:** “Babbling idiots” is now parliamentary.

**Hon. Mr. Timbrell:** Well, if it fits, wear it with pride.

**Mr. McClellan:** Yes, that is fine. See how low you can get. You have only five minutes.

**Hon. Mr. Timbrell:** In the farm community there is a clear recognition of the goals of the government’s agricultural program, a clear recognition—

**Mr. McClellan:** See how many insults you can cull in five minutes.

**Hon. Mr. Timbrell:** Listen, I sat here and listened to you. What is wrong with you that you cannot listen to another person?

**Mr. Speaker:** Order.

**Hon. Mr. Timbrell:** There is a clear recognition of the goals of our programs, a good recognition of the specifics of things such as the beginning farmer assistance program, the tax credit program and others and a recognition that government simply cannot be all things to all people, that the farmers as taxpayers cannot afford to have a government that would attempt to be all things to all people, whether it be in the agricultural sector or in any other sector of the economy.

I would be pleased to participate in the debate later and to listen with interest to the ideas and the specific proposals the members opposite and on this side of the House will advance over the course of the next hour and 20 or so minutes.

**Mr. Speaker:** Order. Quite clearly there is unanimous consent from all parties. The only question before the House then, is shall the debate proceed?

Motion agreed to.

#### AGRICULTURAL INDUSTRY

**Mr. Riddell:** Mr. Speaker, more than 150 farmers from all parts of the province have left their land today to come to talk to all members of the Legislature, including the cabinet minister, to inform them that there has to be a greater government commitment to the agricultural industry in this province.

These farmers have left their land at probably one of the busiest times of the year. It is at this time that the hay crop is taken off, as the minister no doubt knows, and it is a crop that they have to harvest when the time is right. Judging from the day today, the time is right; yet the farmers find

they had to leave that work to come here to give the minister a message.

Unfortunately, farmers have been witness to several examples of political gamesmanship in this Legislature this afternoon. It is obvious the government was trying to limit debate on this agricultural situation by delaying the vote earlier this afternoon.

**Hon. Mr. Eaton:** How many times have I stood here and waited for you guys to come into this House? Do not give us that.

**Mr. Speaker:** Order. The member for Huron-Middlesex has the floor.

**Hon. Mr. Eaton:** I have waited hour after hour for you fellows to come in.

**Mr. Speaker:** Order.

4:40 p.m.

**Mr. Riddell:** The minister tried to bring in the red herring about spending our time more meaningfully in debating the financial protection program rather than carrying on with this debate this afternoon. The minister knows full well that when we did the Grain Elevator Storage Act last year, the member for Huron-Middlesex strongly suggested that funding be set up at that time under that act.

If the minister wants to go back to Hansard, he will see where I encouraged him to establish a funding program, but for some reason he has left it until now, and now he is using it as an excuse for not carrying on with this emergency debate. He just cannot get away with that.

The minister, unfortunately, has not had any practical experience in farming. I find him to be a very personable person, but I just do not feel he is qualified for this portfolio by virtue of the fact that he has had no practical experience in farming. He does not know what it is to have \$250,000 tied up in a farm, which most farmers have, or \$500,000 tied up in a farm, which many farmers have, or \$1 million tied up in a farm, which quite a few of the farmers in this province have. He simply has no idea of the debt load these farmers have to carry to produce the high-quality, cheap food that people are blessed with in this province.

He has no idea of the trauma these farmers suffer when they have to leave the farm. I am going to mention the name of a family in my riding, and I know they would want me to mention the name. The McGregors from the Hensall area are the most respectable people one would find in any part of the province and the most respectable people one would find in the community of Hensall. They are three families



that have been considered to be the most up and coming farmers of any families that one could probably name in the province.

They were forced out just last week. They did everything to hold on to that land. I have met with all three families, and I can understand the trauma. What happened to the land? It was sold through a numbered Canadian company to a nonresident foreign investor for a \$100,000 difference to the price at which the McGregors offered to buy back the farm, so the two sons could carry on the business.

The minister does not understand that. He does not understand that because the banks were prepared to sell to the highest bidder, three farm families, including the father and his wife, who have been on the farm for years, are now forced out on to the road.

One has to have had some practical experience to know what these farmers are going through. These farmers have been following the advice the government has been giving them dating back to the days when Bill Stewart commissioned a study on farm income. As a result of that study, a report entitled *A Challenge of Abundance* was released in this Legislature. One of the recommendations in that report was that farmers should get bigger and more efficient or get out.

The programs of the government were all focused on that one recommendation. In other words, the capital grants program at that time was designed to remove fence rows, to enlarge the fields and to give farmers an opportunity to acquire more land, because they were being told by this ministry and by their banks they had to get bigger and more efficient or get out. The farmers have been following that advice, but they did not dream of the day when they would be looking at 15 per cent, 16 per cent or 21 per cent interest rates. They got caught in that period when the interest rates skyrocketed.

It is those farmers who were prepared to take the risk and borrow the money to produce the food who are now in trouble. The minister knows that 20 per cent of the farmers in this province produce 80 per cent of the food. I hope he also knows that it is the farmers within the 20 per cent who are being forced into bankruptcy.

The other provinces have recognized the crisis their farmers are in and they have done something about it. They have enriched their programs or introduced new ones to try to keep their farmers in business until such time as they can all participate in the so-called tripartite stabilization program, which I am not convinced even to this

day is the panacea or the survival kit the farmers think it will be.

I was inclined to think it was more or less a program to keep the farmers in poverty, although I hope the program will be better than that. I hope that it will build in some guaranteed margins and that it will take costs of production into consideration.

That is the trouble with agriculture today. The farmers cannot name the prices for their products unless they are under a supply management program. That is the program that has saved a good many of the farmers in this province, but we do not have a supply management program for all products grown in this province.

The farmer does not name the price when a product leaves the farm gate, yet he has to pay the price that is asked for gasoline and fertilizer, and he has to pay the interest rates charged at the time. He has no say as to his input costs, but he takes whatever price the market will bear. The farmer is expected to produce high-quality food at the lowest prices one will find in any country in the world. If society expects that of the farmer, it had better be prepared to assist the farmer in producing that cheap food.

What do we have? We have one per cent of the total provincial budget devoted to the agricultural industry of this province. Our farmers are expected to live with that and still produce high-quality food for the people of Ontario.

Farm bankruptcies in Ontario increased from 64 in 1979 to 165 in 1983. For the first five months of this year, they stood at 76, up from 70 during the same period last year. I raised that matter in a question to the minister not long ago, and the minister got up and told me that farm bankruptcies were not up this year. I hope he realizes what the figures are that I have just given, and I hope he checks with his statisticians.

I see my time is up. I wish I had the whole afternoon to speak on this. The minister has to start acting as the advocate of the farmer, going to his cabinet colleagues and saying: "The farming industry is in trouble. We need emergency assistance. Get on with the job and let us keep the agricultural industry in this province viable."

**Mr. Swart:** Mr. Speaker, I am obviously pleased to take part in this debate. I regret that we do not have more time because of the hour or so used up by the tactics of the Liberal Party. I do not think that was intentional from the beginning, but we did lose an hour of a very important debate as a result of the challenge to the ruling of the Speaker. This is perhaps a bit more—



**Mr. Sweeney:** It was the member's leader who introduced the question.

**Mr. Boudria:** Who introduced the topic in this House?

**Mr. Swart:** It was not we who called for the vote.

Interjections.

**The Deputy Speaker:** Order. The member for Welland-Thorold (Mr. Swart) will return to the debate.

4:50 p.m.

**Mr. Swart:** It was not my leader who challenged the chair.

This agricultural issue deserves to be debated at length in this Legislature because this Conservative government has simply refused over the last two or three years to move like other provincial governments have in this nation. As a result, our farmers are at a real disadvantage compared to the farmers in other provinces.

The minister can shake his head, but if he looks at the facts, he will know that is right. The Conservative back-benchers recognize this. That is why the minister received no applause when he got up today to defend his government's policy, nor when he finished his speech. They recognize the disadvantage to which the farmers are put in this jurisdiction.

I do not know why the minister refused, or perhaps I do. I do not know whether it is because—

**Mr. Harris:** Mr. Speaker, on a point of order: We heard points of order earlier today from members on that side of the House. Anything said on this side of the House with which they did not agree was a point of order. That was reason to get up. That was reason to object. We sit here and listen to garbage time after time.

I would like to correct the record about what the honourable member has indicated. He said no honourable member applauded the minister when he got up and no members applauded when he sat down. I applauded. I was proud to do so on both occasions, and I would like to correct the record.

**The Deputy Speaker:** That is not a point of order. The member for Welland-Thorold will continue.

**Mr. Riddell:** Mr. Speaker, on a point of order: I feel the member should withdraw the comment that this debate is garbage. This is a serious debate; it is not garbage.

**The Deputy Speaker:** Neither of those was a point of order. The member for Welland-Thorold has the floor.

**Mr. Swart:** May I continue?

**Mr. Harris:** To correct the record, Mr. Speaker, I did not say—

**The Deputy Speaker:** It was not a point of order.

**Mr. Harris:** I think it is a point of privilege. I said on a point of privilege.

**The Deputy Speaker:** It is not a point of privilege.

**Mr. Harris:** The member stood up and attributed a statement to me that I did not make.

**The Deputy Speaker:** I get the point. I have the drift of it very clearly, but I can tell you it is not a point of privilege.

**Mr. Swart:** For the fourth time perhaps, I would just like to say I am not sure why the Minister of Agriculture and Food fails to move in support of the farmers of this province. I am not sure whether it is because political philosophy ties him so closely to the marketplace that he will not move on stabilization programs. I am not sure whether it is because he thinks he has the bulk of the farmers in his political bag and therefore it does not matter whether he does anything for them, or whether it is because he is prepared to see the average farmer go under. I wonder whether the latter is part of it.

I have a newspaper clipping from the Kitchener-Waterloo Record of January 14, 1984, in which Mr. David Little, the ministry's central Ontario specialist, made these comments: "Some of the most efficient, productive and hardest-working farmers are in trouble. It is a fact of life. The average farmer is going out of business."

Is it because the minister is prepared to see that happen that he has not taken any action as the other provinces have done? The record certainly proves he has not assisted the farmers of this province to the degree they have been assisted in other provincial jurisdictions.

It has already been pointed out that over the last three years the percentage of farmers going bankrupt here is far higher than the average for this nation. Last year, even though according to the census we only have 26 per cent of the country's farmers, 34 per cent of the farm bankruptcies took place in Ontario. The likelihood is that the percentage would have been much higher if it had not been for the action of the farm survivalists. Whether we like it or not, they have made it very embarrassing for banks and other financial institutions to foreclose. I know of dozens of instances where the banks have renegotiated with the farmer rather than run the risk of being embarrassed to that degree.



Bankruptcies are far higher here, and the defaults in payments to the Farm Credit Corp., which are another indication of the financial situation of farmers, are much higher here. In fact, at the start of this year 18.6 per cent of all Ontario farmers were in default on payments of their FCC loans as against 18 per cent for Canada. That had gone up from 17 per cent in 1982 and 18 per cent in 1983. The amounts are even more illuminating. In 1982 they were in default for \$20 million, in 1983 they were in default for \$30 million and in January 1984 the defaults were \$40 million. Surely that is some indication even to the minister that there is a real problem out there in the farm community.

The fact is that the government does not give as high a percentage of its budget to agriculture as do governments in the other agricultural provinces of this nation. It does not matter how the minister tries to twist it, that is a fact that cannot be denied. I have the figures here for all the other provinces. For instance, Prince Edward Island gives 3.42 per cent of its budget; Quebec, 1.74 per cent; Alberta, 2.02 per cent; Saskatchewan, 2.62 per cent; and Manitoba, 1.62 per cent.

Last year, 1.16 per cent of Ontario's budget went to agriculture, and this year it is up to 1.28 per cent, to match New Brunswick, the other province which is the lowest. I do not know this year's figures; their cut may very well be up too.

The minister says he has a lot of other programs. But so do the other provinces. In Saskatchewan, farmers do not pay any property taxes on their land. The minister may say they pay only 40 per cent here, but they pay nothing out there. They have other programs too. The simple fact is that the percentage this government gives to farmers is less. That is a clear indication of the lack of priority it gives to the farming community of this province.

There is no long-term or short-term financing provided by this government except through the beginning farmer assistance program. Yet most of the other provinces in this nation have one or both types of financing for farmers. In 1981-82, Alberta provided \$388 million in loans to farmers and it has continued since then. Quebec provided \$347 million in loans to its farmers. Perhaps when the minister gets up, he will say how much this government has provided in loans to our farmers here.

As the minister well knows, this year's budget had nothing new. He dressed it up. It was smoke and mirrors. He compared this year's estimates with last year's actual figures to give him the 16 per cent increase. He did not compare it with last

year's estimates because it would not have shown that high. One of the reasons there was a 16 per cent increase was that last year the ministry spent \$6 million less in loans to farmers for tile drainage than it had in its budget. This year we will find that the same sort of smoke and mirrors have been used to try to show that farmers are getting a reasonable amount of the budget of this province, but it simply will not be true.

These conditions are the reasons we went around this province last fall to meet with farmers in various locations on their home ground and find out from them what they wanted, what their feelings were and the situations they were in. I want to tell the minister the farmers who made presentations to him and all the rest of us today expressed very directly and aptly the feelings of the farmers of this province.

**5 p.m.**

I would like to have had time to read into the record the four proposals the Ontario Federation of Agriculture made to the minister today. All of them are reasonable and all ought to be adopted by the minister and put into effect immediately. If the minister adopted them and this House concurred, he still would not be giving any more to the farmers as a percentage of the budget than the average province in this nation. The minister should be ashamed of the way he is treating the farmers of this province.

**Hon. Mr. Timbrell:** Mr. Speaker, I am proud of the way we serve the agricultural community in this province and I am even more proud of the agricultural community itself. I have been very disappointed in the speeches I have heard so far, because I was genuinely hoping that in this debate, unlike debates we have had before on agriculture, I would hear from the opposite side of the House some ideas, some specific proposals—

**Mr. Swart:** The minister has quite a task force proposal.

**Hon. Mr. Timbrell:** What is wrong with asking the opposition to put on the record today what it would like us to do? I am quite prepared to take a few minutes to recite to the members opposite and to the people present, the list of new programs begun in the Ministry of Agriculture and Food since I became minister in February 1982.

I want to go further and speak to the farm leaders who are here today and say I believe they understand, perhaps better than the members opposite; perhaps it is because the members opposite are stuck in a mold that opposition



members get stuck in. They can never say the government has a good idea. Lord forbid they would ever agree with anything we do. They can never say the government is doing enough in a given area. No, their role is to say, "Spend more." Their role is to knock everything we do.

The fact is the ladies and gentlemen who are sitting in the galleries understand the limits of government. They understand we are in a restraint period and that, notwithstanding a restraint period, we have significantly increased the government's budget for agriculture. They understand that programs such as the Ontario beginning farmer assistance program have been introduced. That is a long-range program. To date, it has helped more than 800 beginning farmers since it was introduced on September 1, 1983.

They understand the Ontario farm adjustment assistance program has been of invaluable assistance to thousands of farmers and that the program was based on a task force report. A member of that task force was the president of the federation. They understand the Ontario farm tax reduction program is benefiting most farmers in Ontario. Its base funding has been enriched this year by about 20 per cent.

They understand what we are trying to do with the red meat plan; to put the beef and sheep industries into a more productive, profitable position for the future. They understand what we are doing with respect to AgriNorth between the Ministry of Northern Affairs and our ministry to work with northern agriculture to help it realize more of its great potential.

The soil conservation and environmental protection assistance program, the greenhouse energy efficiency program, the Ontario beef financial protection program, the processing-vegetable financial protection fund, the legislation that has just been introduced to establish the grain growing protection fund, the money and the emphasis that has been put into drainage research, these are all things that have been done in my time as minister.

I am not about to stand before these good people and say we have done everything that could be done. I realize I am only human and I am probably deficient in that respect. We probably have missed something, but these people know we have been doing things for agriculture. As I go around this province, I meet with farmers. I was in Perth county a week ago Friday and met with about 600, 700, 800 farmers there at the annual pork and dairy supper. That afternoon, I was in a farmer's kitchen meeting with a dozen or

so farmers, led by the former president of the federation in the county, to discuss their concerns and their ideas.

I find there is a tremendous divergence of opinions, a tremendous variety of ideas of what is appropriate. The member for Huron-Middlesex (Mr. Riddell) will know—because I have seen some of the press clippings of his meetings—there is no one way to answer the problems of agriculture. There is a tremendous diversity. I mentioned it earlier today with respect to tripartite stabilization. It is something I have been working on for a long time in co-operation with the producer organizations, the other provinces and more recently with the federal government.

I am keenly aware of how patient the farmers of this province have been. I am also keenly aware of the position of the farmers in other provinces, the other provincial governments, and what would happen if I acceded to the requests of the federation.

With all due respect to the federation, because I have a great deal of respect for it, but just once let me say that from time to time we disagree and from time to time we agree. I have never once heard the members opposite disagree. Do the members check the federation position and say "That is our position"? Do the members not have any ideas of their own, so they never disagree with the federation and say it has gone too far or has not gone far enough?

I am in the position as minister and these people understand I have to be responsible to every individual in this province, particularly every farmer in this province. I cannot say yes to every proposal that comes along. Sometimes I have to say no, but I always explain why I am saying no. In this case, it is very simple.

The message is very clear in western Canada that if we do what is being asked—and our own Ontario Cattlemen's Association, our own pork board and our own Ontario Sheep Association understand this—we will lose the tripartite program, and it has taken a long time—

**Mr. Riddell:** That is absolute nonsense.

**Hon. Mr. Timbrell:** The member has never sat in on meetings. He does not know what he is talking about.

**Mr. Riddell:** That is absolute nonsense. No other provincial minister is looking at it that way. You are using it as an excuse.

**Hon. Mr. Timbrell:** I have sat with those ministers, I have sat with representatives of the Alberta Cattle Commission, I have sat with representatives of the Saskatchewan cattlemen



and with the hog producers from the west. I am telling the members the message is very clear that if we acceded, that is what would happen. It means having to say no sometimes. That is part of what being a minister is all about. That is part of what responsible government is all about. The fact the members say everything we do is wrong is a part of responsible government too.

When one listens to the members opposite one would think every farm in Ontario is on the brink of bankruptcy. One would think the incidence of bankruptcy in agriculture is the highest of any sector in our economy.

**Mr. Wildman:** No; too many are failing, though.

**Mr. Foulds:** Far too many.

**The Deputy Speaker:** Order. Let us keep the interjections down. Show the minister courtesy.

**Hon. Mr. Timbrell:** It is almost as though the members think there is an acceptable level of bankruptcy. I do not. Every time I read about a bankruptcy in agriculture it hurts. I have known about the McGregor case at Hensall. That obviously hurts. But the members surely know, because they have enough common sense to understand this, there is no way I can stand here and, in all truth, say to the farming community that nobody will ever go bankrupt again. The members would not say that, would they? They would say, as I have said, "I will do everything I can, within reason, to try to ensure no one goes broke unnecessarily."

**Mr. Riddell:** There are 150 farmers here today. If your programs are so damned good, why are 150 farmers here today?

**The Deputy Speaker:** Let us keep the interjections down and let our guests hear the speech of the minister. Order.

**Hon. Mr. Timbrell:** Going back to the impression the member is trying to leave, the fact is the incidence of bankruptcy in agriculture is the lowest of any sector in our economy. One can do anything with numbers. I do not intend to get into a numbers game. The fact is that because of many of the programs we have brought in, and because of some of the programs the federal government has brought in—I will give it credit—we have been able to check the bankruptcies in Ontario as compared to other parts of the country.

**Mr. Swart:** On a point of order, Mr. Speaker: I know the minister will not want to mislead the House and, therefore, he will want to put on record that farmers cannot be petitioned into bankruptcy like small business or any other

business in Canada. Therefore, to compare small business with farmers is totally irrelevant.

**The Deputy Speaker:** That is not a point of order in any way, shape or form.

**Hon. Mr. Timbrell:** The fact is the incidence is the lowest. My point is that the members would have everybody believe the whole industry is going bankrupt. It is not.

Later this afternoon the members will get into some of the specifics of the programs. Some of the ones I have enumerated have been introduced in the last two years and four months since I became minister.

I want to deal for a second with the last part of the resolution because it carries on from a discussion we had in here yesterday regarding a certain company in St. Thomas.

**5:10 p.m.**

Do not forget that my ministry covers the whole gamut of agribusiness. Since the inception of the Board of Industrial Leadership and Development program in 1971, we have approved 768 individual projects, mostly on farms, for storage and packing for a total expenditure of \$12,232,000. They are all Canadians, they are all small business people, they are all farmers. That led to a further investment of \$27,268,000, so that was \$12.2 million out of \$39.5 million.

We have put \$13 million into 12 food processing projects, most of them Canadian, some of them multinational, for a total investment of \$68 million.

I wanted that on the record because the last point of the member's resolution is dead wrong. I look forward to listening to my fellow members, but I wanted to put these facts on the record to show the commitment this government has to the agricultural community. It is a commitment which is very well understood and well known in the agricultural community.

**Mr. Boudria:** Mr. Speaker, I am pleased to participate in this debate. I would like to say a few things on behalf of the people of eastern Ontario.

The agricultural economy is suffering throughout the province, but the situation is particularly severe in eastern Ontario. I see a fellow eastern Ontarian in the House, the member for Stormont, Dundas and Glengarry (Mr. Villeneuve). I am sure he is aware of this since he is from the same part of the province.

In 1981 there were 12,909 farms in the region, a decrease of 16 per cent from 1971. During the same period there was a decrease of 12 per cent in the province. This trend followed the 26 per cent



loss of farms in eastern Ontario between 1961 and 1971.

It is interesting to note that in eastern Ontario we lost a farm every two days between 1971 and 1981. The farm acreage in eastern Ontario decreased by 13.3 per cent during those 10 years. That is double the provincial average.

In 1981, 56 per cent of eastern Ontario's farm land was improved. This figure is much lower than the 68 per cent of improved farm land in the rest of the province.

In 1981, 63 per cent of eastern Ontario was improved land compared to 75 per cent for the rest of the province. While improved farm land increased in the province by 300,986 acres between 1971 and 1981, eastern Ontario continued to lose 3,914 acres of improved land every year during the same 10-year period.

In 1971, farm investment in eastern Ontario was \$725 million or an average of \$47,000 per farm. This was much lower than the provincial average of \$72,800. This trend has continued.

In 1981, where the investment averaged \$250,000 in eastern Ontario, the provincial average was \$380,000. In the same year, the value of agricultural products sold in eastern Ontario from farm land totalled \$440 million or an average of \$34,400 per farm. Provincially, however, the average was \$57,000 per farm.

Why am I bringing up all these statistics? The reason is clear. We need programs that will assist us in eastern Ontario.

I would specifically like to talk about drainage, both tile drainage and municipal outlet drains. The tile drainage program, as it is currently set up by this province, allows loans based on a quota system. This quota system has historical antecedents. In other words, a municipality which received lots of money last year gets a proportion of that this year. This means that if a municipality always got lots, it will continue to get lots and if it always got nothing, it will continue to get nothing. This is exactly what we have been getting in eastern Ontario.

The tile drainage funds allocated by the provincial government to upgrade agricultural land averaged \$1,171,700 per county for the 12 counties of eastern Ontario for the three years of 1980, 1981 and 1982. During the same three-year period, Lambton county received \$10,382,900 for tile drainage. Can this inequity be imagined? One might think there are more tiles or more acreage in Lambton county than in all those places in eastern Ontario to which I referred, but it is not so. The eastern Ontario

region has nearly twice the acreage, yet we got one 10th the money.

I would like to discuss the issue of municipal outlet drains. This has been a very serious problem in eastern Ontario. The minister will be aware there was an eastern Ontario development agreement between the federal and provincial governments. A subsidiary of that agreement had \$10 million in it destined for agriculture. The agreement stated these funds were going to be administered to provide improved agricultural technology in Ontario. Most of the money went for tile drainage. However, the funds were administered in such a way that they were not properly encumbered at the time projects were started.

If one writes a cheque, even if it is a post-dated cheque, when he knows he has spent or is going to spend the money, he usually removes it from his bank book. That way, he always knows the money has already been encumbered or assigned to a particular project. As the government administered this project, by the time it realized it had run out of federal money it was almost \$3 million in the hole.

Since then other projects have come in, to such a point that the ministry is now in a deficit position of \$3,232,014 in a scheme that was supposed to cost only \$10 million to start with. The federal government has agreed to reassign a little over \$2 million to the agreement from other programs. The problem is that we are still faced with some 15 drains where the engineering work has been done: in my riding, in the riding of Stormont, Dundas and Glengarry, and in Elizabethtown, township of Montague, Wolfe Island, Amherst Island and Roxborough.

As I have said, the total cost of the projects left to be done is \$3 million. I know more federal funds would be necessary to do this; however, I need I remind the minister that in 1979 a similar situation happened? I am told we are supposed to learn from our mistakes; unfortunately, we do not ever seem to do so. I was reminded of that by people who were in my office earlier today.

**Mr. Wildman:** You guys proved that last weekend.

**Mr. Boudria:** I think our success rate at the federal level is pretty good and I am proud of our new leader, who is much better than the leader of the official opposition at the federal level.

**Mr. Riddell:** What is going to happen to Broadbent?

**Mr. Boudria:** Let us not get into that right now. I want to talk about agriculture.



In 1979, the Minister of Agriculture and Food at that time had the political clout to convince the Treasurer of the day to assign the funds necessary to cover the drains still to be done in eastern Ontario.

**Hon. Mr. Timbrell:** It is just a matter of money.

5:20 p.m.

**Mr. Boudria:** Shall I put it this way? The minister's predecessor succeeded and he has not. If he does not want to say it is clout, maybe it is inability. Whatever it is, his predecessor succeeded in obtaining funds for the farmers of eastern Ontario in a similar situation in 1979. If the same Conservative government could manage to swing it in 1979 with a different minister, why do we have to have less in 1984 from this minister operating the same ministry under the same circumstances?

Need I remind the minister of the Board of Industrial Leadership and Development program in the election of 1981? Does he know what the BILD program said about agriculture in eastern and northern Ontario? It said we should improve one million acres of land in eastern and northern Ontario.

How does allowing this to happen in eastern Ontario enable the minister to improve one million acres of agricultural land? What kind of improvement is it when a farmer in my riding who was originally assigned \$2,000 to improve the Cross Creek drain will now have to pay \$22,525.27, or pay a large amount for engineering fees and not get anything done?

That is unsatisfactory. The minister can do better. I urge him to do so.

**Mr. Rae:** Mr. Speaker, I listened carefully to what the minister had to say. I want to say to him that any government would have a very difficult time dealing with the problem. I am not going to deny that for a moment.

I go back to my first time in politics, when I started as a federal member, and the issue of interest rates. The impact on the farm community was not a regional or a local problem; it was a national problem and it remains a national problem. I do not think any member in the House is going to deny that for a moment. We can have an argument about the cause of the high interest rates and we can have an argument about whether they were necessary or whatever. I do not want to get into that.

I want to suggest to the minister that the problem of high interest rates and the extraordinary problem of farm debt is a major problem in this province. It would be very foolish for anyone

to underestimate that problem or to suggest, as one travels through Huron county, Bruce county and across this province, that it has not had a devastating effect on younger farmers and older farmers, on people who have been in the industry for a long time and on people who have been out of the industry for a time.

The major criticism I have has been constructive. Yet the minister suggests in the House that we in our party have not made practical suggestions. He must have read by now the report my colleague the member for Welland-Thorold put out in March. It has been going around the province. It is a very practical report and it is specific in terms of the recommendations we made. I am delighted to say it parallels closely the immediate recommendations that have been made by the Ontario Federation of Agriculture.

**Mr. Riddell:** Did the minister take the time to read it?

**Hon. Mr. Timbrell:** I would be glad to read yours.

**Mr. Rae:** Perhaps I could have the minister's attention because I am trying to be as straightforward as I can with the minister. We have never, as a province, as a community and as a family, experienced the interest rate crunch and the debt crunch we are experiencing today. It is unprecedented. People look at the rates today and say they are not so bad. That is nonsense. If one compares the rates to the rate of inflation, interest rates are still at a usurious high. They are climbing and causing enormous uncertainty.

The interest rate thing is a crucial issue because it has done two things. The interest rate policy of the federal government and the interest rate policy of the Reagan government in the United States are a cancer on our economy. It is a major mistake in economic policy. It is a catastrophic mistake because it has not only increased incredibly the debt load the average farmer has to pay—and I am not going to give all the statistics because the members know them well—but it has done something else; it has had a permanently depressing effect on prices.

We have a situation that is unprecedented since the 1930s. There is an incredible impact on the price side that has an effect not only on what farmers can charge for their products, but also on how much they are allowed to value their farms and what kinds of prices their farms and farm lands are worth.

The interest rates obviously have an impact on cash flow and what farmers are forced to pay to the banks. In the last few years there has been an extraordinary transfer of wealth. That transfer of



wealth has taken place directly from the producers of this country, whether they are small business people or farmers or whoever they happen to be, to the banks. It is documented and it is there. One does not have to be any kind of radical to recognize what has taken place. I even heard many people mention it at the Liberal convention over the weekend. Everyone recognizes it is a problem.

There has been an enormous transfer of wealth. It is time for the government of this province and our national government to recognize that there has been a redistribution of wealth away from people who are farming to people in the business of lending money. That has caused an enormous debt problem.

The minister can point to programs, and all I will say to him is that those programs are not adequate. They are based on the principle and assumption that not only the minister but many other people were working under that this interest rate problem was a temporary problem and the price uncertainty that so devastatingly affected the red meat industry was a temporary problem.

I remember when I was the federal finance critic I went to a number of meetings in Owen Sound and Collingwood where we talked to people about the Bank Act. Everyone said: "It is a question of the old cycle with beef prices. They are down now, but they will go up again." I am sure the Liberal Agriculture and Food critic is well aware, far more so than I am, through personal experiences of people saying it is just a temporary thing. That was said in 1977, and in 1978 and 1979 they said the same thing. In 1980 they said the same thing as prices plummeted, and also in 1981 as prices went down again.

I know prices have come up a little bit, but the minister knows prices are still well below what they need to be to pay for the cost of production. As long as there are farmers in the red meat industry—frankly, I do not care what the Ontario Cattlemen's Association says or what any interest group says—if Ontario farmers are having to produce and are getting less than it is costing them to produce, that is an injustice; it is an unfairness the government has to step in and remedy.

The government has taken the position with respect to interest rates and with respect to prices that these are basically the federal government's problem. When we raise questions on interest rates, they say it is a problem of the Farm Credit Corp.

**Hon. Mr. Timbrell:** I have said we should work on it together.

**Mr. Rae:** I say to the minister I listened respectfully to him.

At the same time as he says the FCC has gone down to only 25 per cent of the market in Ontario, he says that is something that gives him cause for concern. He expressed in writing that it gives him cause for concern and he issued a paper saying it gives him cause for concern. In our party, and I understand in other parties as well, people are saying if this is what is happening, the farmers in the province should not simply be left to the private market or left to short-term loans from banks that have people by the short and curlies for years on end. The government of Ontario should be stepping in—we think through the Province of Ontario Savings Office, but we will take any vehicle it wants to name—to ensure a long-term supply of credit.

The minister has devised two programs and wants to go after the FCC and after the agribonds. I say to the minister it is very easy to blame Ottawa, but it is a much harder thing for the provincial government to bite the bullet. We recognize that Ottawa is going to go through an election and nothing is going to happen with a stabilization program. The minister knows that perfectly well.

We heard rumours this morning that Mr. Whelan was no longer the minister. They were confirmed, then denied. Whatever the truth, it is a time of tremendous uncertainty. We know that. When it comes to the problems of interest rates and prices, the message from our party and the message from the group we met with today is very clear, namely, that Ontario has to do something. No one is pretending Ontario can do everything but it has to address those two problems.

If the minister reflects on what he said and what the government has done, I do not think the farming family today, which is experiencing a debt crunch and a price crunch such as it has never seen before, is getting the assistance from the government of Ontario it deserves. That is really what it is all about.

Perhaps the minister's programs would be good enough for an industry living in a time of tremendous prosperity and tremendous certainty. When those things are not true, when consumer confidence is down, when there is a great deal of uncertainty about what the demand is going to be, when other jurisdictions are doing things when the United States has an incredible program that has been going for the last year and a half, the payment in kind program, which has had such an effect on prices and such an uncertain effect on



ther prices and other commodities, I simply say to the minister for the government of Ontario to carry on business as usual is just not good enough.

3:30 p.m.

Any government—provincial or federal, I do not care which—must recognize the crisis in interest rates and must recognize the crisis among farmers who are producing and getting less than is costing them to produce. Those are problems the government simply has to address. Until it does address them, we are going to continue to be critical of the government and we are going to continue to propose some positive solutions.

We have put them forward. The minister knows they are going to cost money. I would agree with others who have spoken here that we have to make a basic choice. Either we recognize the validity of the family farm, the importance of allowing people to produce, the importance of younger people being able to look at farming as an occupation with pride in the future and as a community we make this investment in that industry; or we just say, "It is going to be survival of the fittest. A few big guys will do well. The foreign producers will come in and we will have agribusiness gone crazy."

That is the choice we face. Unless the government changes course, we are going to be looking at a very different industry in the next decade from the one that has made the province the proud place to be that it is today.

**Mr. Riddell:** Even your former deputy said the Ontario government should consider the establishment of a long-term credit program.

**The Acting Speaker (Mr. Cousens):** Order.

**Mr. Riddell:** Duncan Allan. Remember Duncan?

**Hon. Mr. Timbrell:** You agree with everything he said, of course.

**Mr. Riddell:** I think he had a far better grasp than you do.

Interjections.

**The Acting Speaker:** Order. You are cutting into another member's time, if nothing else.

**Hon. Mr. Eaton:** Mr. Speaker, I am pleased to have the opportunity to participate today in this debate.

I want to start by congratulating the Ontario Federation of Agriculture for the approach they made to all members of the Legislature with their proposal. I had the opportunity to discuss with three people in my office the proposal that was put forth. I think there are some excellent ideas

there. They are certainly worthy of further consideration and perhaps some action in some areas.

In the discussions that took place with the persons who were in my office, we covered a broad range of topics in agriculture, not just the particular resolution that was there. I think we do recognize there are problems in some sectors of agriculture and that the government has made a number of moves to try to assist in those areas. But there is one particular thing the leader of the third party said that touched me and which is something I think I have to make a few remarks about, and that is the fact that some of the low prices are an injustice and the government should do something about them.

I have worked on behalf of agricultural producers in this province for 25 years. I include my time in this Legislature because I think I have always spoken on behalf of the producers. I worked for the federation of agriculture for five years and I do not think that through that period of time we came forth very often and said the government had to do something about the prices. Certainly, we asked for programs that would assist in increasing production and we also asked for some programs that would assist in marketing products.

In our discussions today we talked about those segments that were in trouble and those segments that were getting by reasonably well right now. I can think back to the years I worked with the federation of agriculture when we went out and worked and promoted four or five marketing boards that gave them some control over what the price was and how much of the product was produced. I think we have to look at that a little further and perhaps the federation has to show some leadership again in that area.

I know we have disagreement among producers in the beef industry and the hog industry on whether or not we should be going into marketing boards that control production and set prices, but I think we have to look at helping ourselves a bit. If one looks at those areas that are doing reasonably well and have been able to span the gap over the years, they are the ones in which producers direct their own destiny as to what they produce and the price they get for those products. That legislation came about through this government.

One can look at a number of those programs and one can look at what our minister has just done in the beef industry in setting up a commission to make some proposals on marketing. Perhaps it will not go as far as saying we



should have a marketing board to control the production of beef, but surely it will take some steps forward in marketing. Surely our producers and the Ontario Federation of Agriculture should be supporting and promoting that.

The number of programs brought forth in other provinces has been mentioned. Let us look at the hog situation in Quebec today. In that province, more producers who were put in by lucrative government programs in the last four or five years are going bankrupt. That production also helped to hurt us as hog producers in this province. We took a responsible approach in deciding whether we should be financially supporting that kind of production when there were many producers finding ways to get funds and then getting into difficulty. We have to be a little careful in how far we go in bailing out some of them.

There are producers with pretty good equity in their operations who have been hurt in the past period. They have seen some of that equity disappear, and I can see that damn close to home. At the same time, we had some pretty good years in hog production before that. If one had been in for a while, one would have been in on both of those times. It was the ones who jumped in when they thought they had seen a good thing who got themselves in some difficulties. We, as producers ourselves, and the farm organizations, have to look at that carefully and be prepared to take some action.

We can compare our budgets for the agricultural community with those of other provinces and we can see what percentage of the population in a province depends on agriculture for its living. Comparing those proportionately, Ontario is doing better than the other provinces in supporting its industry. One has to be careful in drawing those comparisons.

We talk about farm bankruptcies and the great increase of 147 per cent, but we are talking about 65 to 165. In Quebec they have gone up more than 100 per cent in the first four months of this year, with all their assistance programs, and we have gone up nine per cent.

A member made a remark about tile drainage and how much went into Lambton county. That is because the producers there were doing it. No producer in eastern Ontario was denied money for it. Any request the minister got for funds in eastern Ontario was met. Any requests that came in during the past year, the year before or the year before that were met.

**Mr. Boudria:** What kind of ridiculous nonsense is that? There are all kinds of people in here

who know the opposite of what the minister is saying. Their drainage was delayed for years. I am surprised the member for Stormont, Dundas and Glengarry does not throw a tomato at the minister for that kind of nonsense.

**The Acting Speaker:** Order.

**Mr. Boudria:** The minister should know better than that. People stayed on waiting lists for years when I was on municipal council, trying to get some money out of that stingy government. We never could get it. The minister should be ashamed of himself. Why does he not tell the truth?

**The Acting Speaker:** Order. The member will control himself.

**Hon. Mr. Eaton:** I also want to make reference to the last part of the Liberal motion about the lack of adequate provincial government financial support for the Canadian food processing industries. The two members who supported that live very close to one of the industries we supported, Strathroy Foods. It has meant more than 3,600 acres of processing crops grown in that area this year. It has meant 100 more jobs in the processing plants in that area. This is a completely Canadian-owned processing company with Board of Industrial Leadership and Development assistance.

It is irresponsible to try to single out one instance, as has been done down in the other area where they did not get a grant, and say we are not supporting the Canadian food processing industry. The minister went over the figures.

**5:40 p.m.**

**Mr. Riddell:** Mr. Speaker, on a point of order. It is not parliamentary to say we are being misled in this House, but I have heard both the member for Middlesex (Mr. Eaton) and the Minister of Agriculture and Food talk about the tremendous assistance given to the processing plants. The one picks up a news article, "Processor Pinched," that says, "Sixteen Ontario processing companies have closed in the last 10 years, 12 of them tomato-processing businesses that could not survive competition from subsidized imports from Europe." The government talks about the great work it is doing for processing plants and here are 16 of them that have gone under.

**The Acting Speaker:** The honourable member has made a point, but it is not a point of order.

**Hon. Mr. Eaton:** If the member wants to talk about imports, he knows where the responsibility for stopping imports rests. We have had to support the industries in our province with BILLION money so they could compete with imports. The



member's federal colleagues could do something about some of those imports.

I want to conclude by quoting someone who said he supported the estimate that about 90 per cent of farmers will make it through tough financial times and he believes those who do not are poor managers. That was said by the member for Huron-Middlesex (Mr. Riddell). I do not believe the ones who do not make it are all poor managers, and I think we have tried to help those who are good managers. Some of the good managers who have been helped through the Ontario farm adjustment assistance program when they were in tough financial shape have made it. We have given that kind of support and we will try to give it again where it does the most good to agriculture.

**Mr. Riddell:** Mr. Speaker, on a point of order: The members of the government party would have to be naive if they did not think some of the problems farmers have today result from mismanagement.

**The Acting Speaker:** I thank the member, but there are other ways of making your point. The member for Grey (Mr. McKessock) has the floor.

**Mr. Riddell:** The farmers are just as upset. There is nothing wrong with that news article.

**The Acting Speaker:** The time is allocated carefully and fairly. The member for Grey has the floor, so would you give him your attention?

**Mr. McKessock:** Mr. Speaker, I want to congratulate members of the Ontario Federation of Agriculture for coming in here today and giving us the opportunity to discuss agriculture again in this forum. Probably if they had not been here, the emergency debate resolution would not have passed. So I appreciate their being here. I think they have presented to the minister and the government a very easy solution to some of the problems. The presentation they made is not lengthy, and I would like to read the start of it:

"In its truest sense, Ontario agriculture is a primary industry. It provides employment for hundreds of thousands of Ontario residents through the many different businesses associated with the agricultural food sector, injects billions of dollars every year into the provincial economy and helps support our affluent society by providing food at reasonable prices."

I often feel the only way we can get through to the government the importance of agriculture is to point out that it does provide other jobs in our society. In fact, one out of every five jobs in Ontario is related to agriculture. Perhaps one way

to give agriculture the importance it deserves is by realizing it does create jobs besides those of the farmers.

As one moves down the page, one notices it says, "When you think of an apple, don't think computer." I think this is often the case in today's society. Too often food is not given much thought because we have so much of it. We are so well fed that it is hard for the person in an urban situation to see that there really is a problem in the rural area.

They see all this food around them and they do not realize the day might come when it could quickly disappear if the number of bankruptcies continues. Of course, food will not disappear, because it will come in from other countries and provinces. We will never go hungry, but we will lose our agricultural industry in Ontario.

As the member for Huron-Middlesex pointed out, the farmers have always been the ones who were prepared to take risks. This is true, they have taken risks over the years with ups and downs, but the risks have finally become overbearing for Ontario farmers.

The member for Welland-Thorold mentioned the small amount, one per cent of the budget, that the government gives to farmers. I want to point out to the minister that the farmers do not get this. This one per cent of the budget goes to administer the ministry. The farmers get practically nothing.

**Mr. Watson:** Practically nothing.

**Mr. McKessock:** Practically nothing is what the farmers get.

As I mentioned in question period today, I have had farmers calling me quite a bit lately to say their sons cannot get started in farming because of the programs we have in Ontario. Young farmers themselves call me and say: "What do you have for me? How can I get into farming?"

When we look at the beginning farmer assistance program with its five years, it is so out of date. Actually it was out of date before it came in. When I started farming, I could get a 25-year or 30-year mortgage, I believe it was, through the Ontario government, and then there was farm credit through 29 years at four and six per cent interest. That was good for farmers like me starting up in those days. It gave one an insight into the future. One knew if he took on that mortgage he was going to be able to make the payments and he felt a little secure. It was a stabilizing factor in starting in agriculture.

There is nothing stabilizing about the beginning farmer assistance program the minister has come out with. What happens at the end of five



years? If the interest rate at that time is 15 per cent and the farmer drops off the five per cent subsidy, he goes bankrupt. He is left with a mortgage at 15 per cent, or it could be more. The minister is leaving him in a desperate situation.

The minister mentioned that bankruptcies were down. I hope so, because they could not continue at the rate they were going. Naturally the bankruptcies should be down, but I have the feeling sometimes that with his program he is really trying to keep up the momentum. I feel the minister is putting these farmers in a boat and shoving them out to sea without a paddle or compass.

The minister asked us to give him proposals. The Ontario Federation of Agriculture and the farmers have been giving him proposals and programs for the last two years. He has not paid much attention and there has been little worthwhile action.

When one looks at the programs the OFA has put before him today, right off the top is the emergency assistance for the red meat producers. "The OFA recommends a \$64.4-million emergency payout to the red meat producers, excluding payment for the sow-weaners. This payout would be based on 1983 production levels. When a stabilization plan is introduced, this payout would bring Ontario red meat producers up to the level of producers in other provinces."

**5:50 p.m.**

The minister keeps asking for solutions and proposals. This has been asked for now for about two years and it has not come in yet. I wonder how Saskatchewan keeps the minister from doing this. It must be playing on his lack of knowledge of the industry or something. I do not know how that province continues to keep on bringing in new programs and there is nothing said about its programs jeopardizing the stabilization plan, but the minister says that if he does anything it is going to jeopardize the plan.

**Hon. Mr. Timbrell:** Our red meat plan is new as well, the same as Saskatchewan's.

**Mr. McKessock:** It is new but it is not meaningful.

**Hon. Mr. Timbrell:** We cannot always be wrong.

**Mr. Foulds:** No, but you are close.

**The Acting Speaker:** Order.

**Mr. McKessock:** It is not right that our farmers here in Ontario have to feed cattle for Quebec and Saskatchewan to make a living. If it were not for the programs in these other provinces, I suppose you could say we would be

in worse shape. But can we not look after ourselves here?

I sat in at the Wiarton sale last fall and watched the Quebec buyers buy the cattle, and our producers could not afford to. Some of the cattle that were bought by Quebec producers were sent straight to Ontario farms and were being fed.

**Hon. Mr. Eaton:** Yes, they take them into Quebec for 60 days and apply for the subsidy.

**Mr. McKessock:** Then they went back to Quebec to participate in their program.

**Hon. Mr. Eaton:** Yes; that makes a lot of sense.

**Mr. Riddell:** What are you knocking another province's program for?

**Mr. McKessock:** Yes, it sure does make a lot of sense. Why does Ontario not have enough programs so we can look after our own industry?

The United States last year gave subsidies to its farmers equivalent to \$30,000 per farmer, and in the European common market they have been paying their farmers fantastically. I know they have a surplus, and the minister keeps saying "Yes, the United States is going broke, Quebec is going broke, the European common market is going broke." But if this is the game they are going to play, then we have to get into it too if we want to preserve our industry.

The minister mentioned they are going to stop paying these subsidies. That is true, but then our Ontario farmers lose anyway, because those foreign farmers have been getting these subsidies; they have their machinery, their buildings and their equipment up to date. Our farmers have never had this; so when they cut off the subsidies they will still be in a great position to go right ahead, whereas we are going to be in a depressed situation and will have trouble surviving.

They also mentioned that the eligibility criteria in the Ontario farm adjustment assistance program should be changed so that people with 70 per cent equity and less should be able to participate and I agree with that. They also recommended that the province guarantee that producers will not pay more than the negotiated rate plus half per cent for operating loans. The floating interest rate has been a killer for the farmer, and that would help rectify the situation.

The other thing they mentioned was a capital grants program, \$50,000 over 10 years at eight per cent; that also would be a big boost for Ontario farmers.

**The Acting Speaker:** I thank the honourable member. His time has expired.



**Mr. McKessock:** I do not agree with subsidies, but if other provinces and other countries are going to play this subsidy game, we must participate or we will lose our industry.

**Mr. Wildman:** Mr. Speaker, in the short period of time left I would like to raise some concerns that relate specifically to my area in northern Ontario and to the comments in the resolution that have not been dealt with by very many speakers today.

First, I must say that the members of the Ontario Federation of Agriculture and the farmers who have been here today must be pretty frustrated at the antics that members, all of us, have demonstrated and at the squabbling among the parties when we are talking about such a major, serious problem in agriculture today.

We have heard comments about whether it is the federal government's problem, a national problem that should be dealt with by the federal government in conjunction with all the provinces, or whether this province should act. We hear a lot of talk, and we do not really deal with the real problems in the farm community.

We have heard talk here about bankruptcies and we have had comparisons between figures for bankruptcies in this province and those in other jurisdictions, but maybe it is time we started thinking about some of the people who are directly affected by those bankruptcies. For that matter, it may be time we started to think about some of the people who are affected by forced sales. They do not even get to the bankruptcy stage but are suddenly faced with a "For Sale" sign on their front gate. They are told: "This is what you have to do to meet your obligations. That is it. You have no choice."

In my own community I had a good friend whose family just recently went through this experience of forced sale. They were beef producers. Frankly, I know those people are as tired of the passing of the buck we keep hearing and seeing on this issue as are the members of the Ontario Federation of Agriculture who are here today listening to the debate.

The fact is that the red meat industry particularly is in very serious trouble. It is time we acted. It is not enough for us to continue to say it is a national problem. I do not think anyone in this Legislature debates that. It is a national problem, but it is about time we realized that we cannot continue to use that argument as a reason for not doing anything.

Farmers in our province are at a disadvantage in comparison to farmers in other jurisdictions in this country. The farmers who are in the red meat

industry have made proposals. I know the minister has his commission and he is looking at new approaches to marketing in that area, but we have an emergency. That is why we have an emergency debate today. We have an emergency that requires action. It requires funding from this government.

The minister says he wants to hear proposals and suggestions. He has heard them. He has heard them from the OFA today. He has heard them from members of this Legislature over many months. Why will the minister not act on the recommendation of an emergency payout to the red meat producers? Why will he not act? It is not enough to say: "Mr. Whelan may deal with it." We do not know whether that has been said. We do not know whether Mr. Whelan is going to be there. It is certainly going to take some months for the federal government, in its new political situation, to act.

The other major commodity group in my area is the milk producers. Many people say the milk producers are in a better position than the beef producers. We have had a particular problem in our area that results partly from the concentration in the dairy industry. That concentration in our area, the monopoly situation in the processing end of that industry, has hurt both farmers and consumers.

The consumers in our area have voted with their feet in that they are travelling across the international border to purchase milk. Even with the difference in our dollar, it is cheaper because of more competition in that area. It has hurt the farmers in our area. The dairy is not selling as much milk; so it is not purchasing as much from the local producers.

Those farmers who thus face a drop in income are also facing the continuing high interest rates. They are hurt by the cost of capital, which is the major problem in agriculture today as far as I can see. Again we have had proposals made here. Today, and on many other occasions, we have made proposals for dealing with that issue. We have had the suggestion by the OFA for the expanded Ontario farm adjustment assistance program. We have had proposals for a cap on operating loans. We have also had the proposal for capital loans at lower interest rates to assist farmers to upgrade, expand and diversify their operations.

These proposals are very similar to the proposals that have been made by my friend the member for Welland-Thorold in the past. It is obvious that if we are to support the farm community and the farming industry in this

province, we have to increase the percentage of the budget that is allocated to agriculture in this province.

We propose to move to at least \$450 million as a budget for the Ministry of Agriculture and Food. This will be up from the estimates of this year of \$335 million, which is an increase from the \$295 million estimate from last year. The proposal we have made for \$450 million would fund the proposals that have been put forward by the OFA. That amount of money would only bring Ontario to the average of what the provinces in this country spend on agriculture in their jurisdictions. We are not talking about moving to the top. We are being quite reasonable here. These are proposals that have been made.

The minister has made a great to-do about the BILD program. He talked about the proposals and assistance that have been provided for BILD to farmers and the processing industry. A part of

the resolution deals with the question of Topa Foods, and the example of assistance being given to Heinz, an American subsidiary for import replacement.

It is interesting that import replacement for a company such as Heinz is much easier, as an American company, as compared to a wholly Canadian owned company.

The fact is that imports have not gone down. They are maintained at similar percentage levels to those we have always had. BILD has been unsuccessful in replacing imports. This government has been unsuccessful in supporting the agriculture and food industry. It is time that the government acted instead of passing the buck as has been seen for months on end.

**The Acting Speaker:** That concludes the debate.

The House recessed at 6 p.m.



## CONTENTS

**Tuesday, June 19, 1984**

### Oral questions

Andrewes, Hon. P. W., Minister of Energy:	
<b>Hydro rates</b> , Mr. Peterson, Mr. Rae .....	2593
Ashe, Hon. G. L., Minister of Government Services:	
<b>Conflict of ownership</b> , Mr. Cureatz, Mr. Breagh.....	2598
Davis, Hon. W. G., Premier:	
<b>Equal pay for work of equal value</b> , Mr. Rae, Mr. Wrye .....	2596
<b>Use of government aircraft</b> , Mr. Roy.....	2597
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities:	
<b>Technical education</b> , Mr. Rae, Mr. Bradley.....	2594
Timbrell, Hon. D. R., Minister of Agriculture and Food:	
<b>Agricultural industry</b> , Mr. Peterson, Mr. Riddell, Mr. Rae .....	2591
<b>Young farmers</b> , Mr. McKessock .....	2599
<b>Farm adjustment assistance program</b> , Mr. Swart .....	2599
<b>Red meat plan</b> , Mr. Wiseman, Mr. Riddell .....	2601
Walker, Hon. G. W., Provincial Secretary for Justice:	
<b>Visitation rights</b> , Mr. Philip.....	2598

### Petitions

<b>Independent schools</b> , Mr. Kolyn, tabled.....	2605
<b>Facilities for learning disabled</b> , Mr. Kolyn, tabled .....	2606

### Report

<b>Standing committee on regulations and other statutory instruments</b> , Mr. Sheppard, tabled.....	2606
--	------

### Motion

<b>Adjournment of committee</b> , Mr. Wells, agreed to .....	2606
--	------

### First reading

<b>Line Fences Amendment Act</b> , Bill 111, Mr. Bennett, agreed to .....	2606
---	------

### Private member's motion

<b>Motion to set aside ordinary business</b> , Mr. Peterson, Mr. Swart, Mr. Timbrell, Mr. Nixon, Mr. Martel, agreed to.....	2606
<b>Agricultural industry</b> , Mr. Riddell, Mr. Swart, Mr. Harris, Mr. Timbrell, Mr. Boudria, Mr. Rae, Mr. Eaton, Mr. McKessock, Mr. Wildman .....	2610

### Other business

<b>Members' expenditures</b> , Mr. Speaker .....	2591
<b>Visitor</b> , Mr. Speaker .....	2591
<b>Members' expenditures</b> , Mr. Rae, Mr. O'Neil, Mr. Mancini, Mr. Nixon, Mr. Speaker, Mr. Martel .....	2602
<b>Civil liberties of police</b> , Mr. Stokes.....	2605
<b>Members' expenditures</b> , Mr. Peterson .....	2605
<b>Recess</b> .....	2624

**SPEAKERS IN THIS ISSUE**

Andrewes, Hon. P. W., Minister of Energy (Lincoln PC)  
Ashe, Hon. G. L., Minister of Government Services (Durham West PC)  
Bennett, Hon. C. F., Minister of Municipal Affairs and Housing (Ottawa South PC)  
Boudria, D. (Prescott-Russell L)  
Bradley, J. J. (St. Catharines L)  
Breauth, M. J. (Oshawa NDP)  
Copps, S. M. (Hamilton Centre L)  
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
Cureatz, S. L., (Durham East PC)  
Davis, Hon. W. G., Premier (Brampton PC)  
Eaton, Hon. R. G., Minister without Portfolio (Middlesex PC)  
Foulds, J. F. (Port Arthur NDP)  
Harris, M. D. (Nipissing PC)  
Johnston, R. F. (Scarborough West NDP)  
Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
Kolyn, A. (Lakeshore PC)  
Mancini, R. (Essex South L)  
Martel, E. W. (Sudbury East NDP)  
McClellan, R. A. (Bellwoods NDP)  
McKessock, R. (Grey L)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
O'Neil, H. P. (Quinte L)  
Peterson, D. R. (London Centre L)  
Philip, E. T. (Etobicoke NDP)  
Rae, R. K. (York South NDP)  
Renwick, J. A. (Riverdale NDP)  
Riddell, J. K. (Huron-Middlesex L)  
Roy, A. J. (Ottawa East L)  
Sheppard, H. N. (Northumberland PC)  
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities (York Mills PC)  
Stokes, J. E. (Lake Nipigon NDP)  
Swart, M. L. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
Turner, Hon. J. M., Speaker (Peterborough PC)  
Walker, Hon. G. W., Provincial Secretary for Justice (London South PC)  
Watson, A. N. (Chatham-Kent PC)  
Wildman, B. (Algoma NDP)  
Wiseman, D. J. (Lanark PC)  
Wrye, W. M. (Windsor-Sandwich L)











No. 75

# **Hansard**

# **Official Report of Debates**

## Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

**Tuesday, June 19, 1984**

**Evening Sitting**

**Speaker: Honourable John M. Turner**

**Clerk: Roderick Lewis, QC**

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## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, June 19, 1984

The House resumed at 8 p.m.

**Hon. Mr. Ramsay:** Mr. Speaker, before I begin, I would advise that the Blue Jays are leading by a score of one to nothing.

## WORKERS' COMPENSATION AMENDMENT ACT

Hon. Mr. Ramsay moved second reading of Bill 101, An Act to amend the Workers' Compensation Act.

**Hon. Mr. Ramsay:** Mr. Speaker, one week ago in my statement to the Legislature on introduction of Bill 99 and Bill 101 to amend the Workers' Compensation Act, I described the history of the review process that had led up to the amendments in question and discussed the reasons for the government's decision to adopt a phased approach to implementation of reform. In addition, I summarized the principal features of the government's proposals.

I stated then that the provisions contained in the two bills constitute a major step forward in advancing the equity, fairness and efficiency of the workers' compensation system in Ontario.

Tonight I would like to amplify those remarks and deal with some of the major proposals in more detail. In the process, I hope to address some of the concerns expressed by a number of the honourable members opposite following my statement last week.

Most of my comments tonight will be directed towards Bill 101, which deals with the proposed reforms of the workers' compensation system. The companion legislation, Bill 99, provides to all existing pensioners a five per cent increase in benefits, effective July 1. There will also be a corresponding increase in burial and clothing allowances.

As I mentioned last week, it is my hope that by splitting the amendments in this fashion the House will at least be able to grant passage to Bill 99 before the summer recess so that the pensioners concerned can begin receiving the higher benefits as soon as possible. I should add that workers on temporary disability benefits as of the date of proclamation of Bill 101 will receive a five per cent increase on that date.

I propose to turn now to discuss in some detail the government's reform proposals. Bill 101

contains four major changes affecting the level and structure of benefits.

First, the system of rehabilitation supplements for partial disability claimants will be improved. These are provided for in subsection 43(5) and clause 41(1)(b) of the present act.

As members are no doubt aware, under the terms of subsection 43(5) permanent partial disability pension recipients may be eligible for a supplement to their regular pensions where impairment of their earning capacity is significantly greater than is usual for the nature and degree of their injury. The supplement, in effect, tops up the permanent pension awarded to the level of the equivalent total disability pension. It is contingent upon the worker's co-operation with Workers' Compensation Board rehabilitation programs and on his or her availability for suitable employment. The supplement awarded under clause 41(1)(b) is based on the application of similar kinds of considerations in situations where workers are receiving a temporary partial disability benefit.

In one of his questions after my statement on the proposed amendments last Tuesday, the member for York South (Mr. Rae) cited an example of a situation that he alleged would not be addressed at all in the proposed amendments to the act. As I recollect it, his example concerned an older construction worker with a serious back injury, an injury that precluded his resuming work again in that industry.

I submit that the proposed improvements in the supplement provisions of the act have a very direct bearing on the situation of a worker such as the one described. The new provision for inflation adjustment of pre-injury earnings in the calculation of such supplements will result in enhanced payments to some workers already receiving these benefits. In other cases, it will permit workers to qualify for a supplement where previously their earnings or pension levels prevented it.

Currently, actual pre-injury earnings are compared with actual post-injury earnings in computing entitlement to a supplement. Where a considerable time lag is involved, this comparison may be unfair to the worker, since post-injury earnings will be measured in inflated



dollars. The proposed change will effectively ensure that real differences in pre- and post-injury earnings are properly taken into account in determining the level of supplementary payments.

In situations where the older worker is unlikely to derive benefit from vocational rehabilitation, the proposed amendments to the supplement provisions of the act will permit that worker to receive supplemental payments up to old age security levels. Payments of this kind are not currently available under the act.

A further group of workers who will stand to benefit from the more flexible rules surrounding computation of supplements is those in receipt of Canada pension plan disability benefits. Currently, workers in this position are barred from qualifying for a supplement. Eligibility for CPP disability benefits is dependent on severe and prolonged disability that removes the worker from the work force, while eligibility for a WCB supplement is contingent on availability for suitable employment. The proposed new arrangements will consider CPP disability payments in computing supplements instead of treating them as a bar to supplement entitlement.

The member for Essex South (Mr. Mancini) raised some concerns about the proposal to integrate CPP benefits with WCB benefits when I announced it last week. In fact, the proposal to integrate has application only in certain defined cases. I am confident the honourable member will recognize in this particular case that the workers concerned can only stand to gain from this provision; no one will suffer a loss in benefit entitlement by virtue of the change in the way CPP disability benefits are to be treated. I intend to return to the question of CPP integration shortly, after I have described the basic parameters of the proposed new dual award scheme for survivor benefits.

I believe the changes I have outlined in the criteria for determining partial disability supplements and in the application of those criteria represent an important and necessary improvement for a group of workers, many of whom have experienced inequities in the past in the way in which their benefit entitlements were determined.

As I stated last week, and I reiterate today, the contentious and difficult-to-resolve issue of formulating an appropriate longer-term scheme for dealing with compensation of permanent disability claims is under active consideration for a subsequent phase of the reform process; it has not been rejected or shelved indefinitely. In the

meantime, I am confident the amendments I have described will assist in the more immediate alleviation of those aspects of the rehabilitation supplement program that have generated the most frequent concern and comment.

**8:10 p.m.**

The second major element in the package of benefit proposals is the dual award scheme for surviving spouses and dependent children. Currently, the dependent spouse's pension is set at \$564 per month plus a further \$157 for each dependent child.

Under the terms of Bill 99, it is proposed these levels will rise by five per cent on July 1, 1984. The proposed new scheme is somewhat more complex than the old in several respects, but is intended to provide a much more equitable level and distribution of benefits for the various categories of claimants.

The magnitude of both the lump sum payment and the pensions under the dual award scheme will be a function of the age of the surviving spouse. In addition, the pension will be related to the deceased's pre-injury earnings and to the presence or otherwise of dependent children. For a surviving spouse without dependent children, the level of payments is most easily described and understood by reference to the entitlement of a spouse at age 40.

In this case, the lump sum payment is \$40,000 and the pension is 40 per cent of the deceased's pre-injury net earnings. For each year of age of the surviving spouse above 40, at the time of the worker's death, the lump sum declines by \$1,000 and the pension rises by one per cent of net earnings. For each year below age 40, the reverse is true.

Thus, at the extreme ends of the age spectrum the 20-year-old sole surviving spouse receives \$60,000 and 20 per cent of net earnings while the 60-year-old gets \$20,000 plus 60 per cent of net earnings. The figures quoted represent the maximum and minimum scales of payment for the two elements of the dual award scheme.

As members will see, this scheme produces a distribution of benefits in a form which is generally commensurate with basic financial need at various age levels. The lump sum, which is designed to compensate for noneconomic losses, such as loss of companionship, is large for younger spouses.

At the same time, a lump sum benefit in these circumstances may be the most beneficial form of payment for a young spouse who wishes to make the necessary adjustments to a changed



financial status and perhaps to re-establish himself or himself in the labour force.

In this regard, all surviving spouses will be entitled to utilize the vocational rehabilitation and employment counselling services provided by the Workers' Compensation Board of Ontario.

Conversely, the older spouse may be primarily concerned with obtaining a guaranteed, adequate level of continuing income in these same circumstances and may have less need for compensation paid in the form of a lump sum.

Where the spouse in question has dependent children, the lump sum payment is calculated in the same way as described above. The pension is set at 90 per cent of pre-injury net earnings, the same level as would be payable in a permanent total disability case. The minimum benefit payable in this situation, irrespective of the deceased's pre-injury net income, is \$10,500 annually.

A dependent child is defined as under 19 years of age. When the youngest child reaches that age, the spouse's pension thereafter would be calculated with reference to the appropriate point on the scale used to determine the pension entitlement of a sole surviving spouse. Where a dependent child aged 19 or more continues in full-time education, an allowance equivalent to 50 per cent of the deceased's previous net earnings would continue to be payable for each such child.

In contrast to the arrangement under the present pension scheme for surviving spouses, pension benefits under the new proposal will continue after the spouse's remarriage. It is also proposed that WCB survivor benefits will be integrated with CPP survivor benefits.

As I mentioned earlier, I would like to take a moment to explain how this would work in practice and to address concerns raised about the principle of WCB-CPP benefit integration by the member for Essex South last week.

In my view, the most important feature of any workers' compensation scheme for the workers and their families who must draw upon it, is the provision of an assurance that post-injury income will be made up to a level which appropriately reflects the loss sustained.

In redesigning the current rehabilitation supplement and survivor benefit provisions with this consideration in mind, both schemes have been improved and placed on a more rational footing, with a much wider variety of factors taken into account in computing benefit entitlement. As a result, I believe that determination of benefits will be much more sensitive to need and

to individual circumstances than was previously the case.

One of the wider variety of factors to be taken into account is Canada pension plan benefits. While I recognize the contributory nature of the CPP scheme, I find it difficult to support the notion that in attempting to make benefits under the WCB program more sensitive to loss we should then proceed to ignore totally the other major source of disability-related income for work place accident victims or their spouses.

It does not seem to me that the ultimate objective of placing the determination of workers' compensation benefits on a more rational, less arbitrary basis is best served by trying to perform this procedure without reference to the other prime source of compensation in respect of the same work place accident. The method chosen will ensure that the level of benefit provided can always be adjusted so as to maintain an adequate overall target level of compensation for the WCB claimant.

I wish to emphasize again that CPP integration will apply only in respect of the two compensation situations where benefits have been significantly remodelled and enhanced by the amendments I have put forward. It will not apply to existing survivor pension claimants whose benefits continue to be governed by the terms of the current compensation scheme, nor will it apply to permanent disability awards in cases where the claimant does not qualify for a supplement.

Canada pension plan benefits will be taken into account by subtracting them from pre-injury gross earnings before computation of the partial disability supplement or survivor pension. Having regard to the impact of the income tax system, this method is much more advantageous to the claimant than the alternative of subtracting directly from the pension or supplement after all of the other calculations have been completed.

As is the case with the supplement scheme, I am confident that the proposed dual award scheme for survivors will prove to be of significantly greater benefit to most recipients than would have been the case under the previous arrangements. The CPP integration feature does not change that conclusion.

The third major benefit change provides that full benefit entitlements will be calculated on the basis of 90 per cent of the injured worker's pre-injury net earnings, rather than 75 per cent of gross earnings as at present.

The net earnings principle was generally endorsed by the employer and injured worker communities when it was first put forward in



1980, and was supported by members of all three parties on the standing committee which studied the original white paper proposals last year. I might add that use of the 90 per cent figure is standard in all of the other jurisdictions in Canada which have opted for basing benefits on net earnings.

The move to 90 per cent of net will be of particular benefit to workers in the lower tax brackets, for example, those with relatively low pre-injury earnings or with a large number of dependants. It will ensure that benefits received bear a more consistent relationship to previous take-home pay than is the case under the current system.

The fourth major proposal in Bill 101 affecting the level or structure of benefits is to raise the covered earnings ceiling to \$31,500. The current ceiling is \$25,500. Under the terms of Bill 99, this would rise by five per cent to \$26,800 effective July 1.

Last Tuesday in this House, the member for Windsor-Sandwich (Mr. Wrye) queried the new level of the ceiling and implied that it should have been raised by a greater amount. An increase of the magnitude proposed ensures that more than 85 per cent of the workers who participate in the WCB accident fund will receive the benefit of full earnings coverage under the scheme. The new ceiling is not out of line with the ceilings in other provincial jurisdictions in Canada.

While some have argued that the ceiling should be eliminated, significantly raising the ceiling or removing it completely is a relatively expensive measure which benefits only a small minority of claimants. It was the government's judgement at this time that extra expenditures were better directed towards establishing many of the other amendments I have described than in further raising the ceiling.

**8:20 p.m.**

However, as I indicated in my answer to last Tuesday's question on this matter, the government's phased approach to reform certainly does not preclude further adjustment in the level of the ceiling in the future.

**Mr. Philip:** In the fullness of time.

**The Deputy Speaker:** Ignore him. He does not have the floor.

**Hon. Mr. Ramsay:** I have discussed at some length the proposed changes in the structure and level of benefits provided under the Workers' Compensation Act. Now I would like to turn to what I believe are some equally significant reforms of an administrative nature which are

also part of the package of proposals contained in Bill 101.

Several of these changes are designed to open up the board's internal policy formulation and decision-making processes to a much greater degree of external participation and scrutiny. In the longer term, I have every expectation this will exert a beneficial effect on the operational quality of those processes, while at the same time enhancing the satisfaction of all parties involved with the system's ability to respond effectively to their concerns.

The WCB corporate board will be reconstituted to include a majority of external directors to be drawn from the employer and worker communities, as well as from professional groups and the public at large. External representation on the corporate board will comprise between five and nine persons compared with just two full-time internal members, namely, the WCB chairman and the vice-chairman of administration.

The new corporate board structure will guarantee a full measure of external participation in, and influence over, the way the WCB itself operates and the policies it pursues, as well as providing direct feedback to board officials regarding community concerns with the workers' compensation system.

Last week the member for Windsor-Sandwich expressed his dismay at the retention of the clinical disability rating system. I would remind the member that under a wage loss scheme of the kind proposed by the Liberal members of the standing committee, a clinical disability rating system would be retained.

However, perhaps the member's concern was, in part at least, a reflection of his broader concerns regarding the administration and practical application of the clinical disability rating system as constituted at present. If that is so, then to the extent those kinds of concerns are shared, I would envisage that the new corporate board might wish to address this issue.

The changes in the composition of the corporate board that I have described possess the potential for initiating a wide variety of new approaches to the way in which the board carries out its responsibilities under the act.

A second very important reform of a structural and process nature involves the creation of a new tripartite appeals tribunal. Present appeal procedures are purely internal to the board, staffed and administered by WCB employees up to and including the appeal tribunal level. Beyond that



tage, the appellant may carry a case to the Ombudsman.

The lack of an appeals body that is fully independent of the board itself has been the subject of frequent criticism. This perceived deficiency in the appeals process would now be corrected with the replacement of the old appeal board by a tripartite appeals tribunal, comprising a chairman, one or more vice-chairmen and equal numbers of members representative of workers and employers respectively.

The tribunal's decision on matters within its jurisdiction would be final. The opportunity for corporate board review of such a decision would be confined to a situation where the decision turned upon an interpretation of the general law and policy of the act. In that case, the corporate board would be empowered to make a determination on the issue and to direct the tribunal to reconsider the matter in the light of that determination.

The appeals tribunal would have access to the assistance of a medical assessor drawn from a roster of independent qualified medical practitioners in cases where there are medical issues in dispute. Again, this proposal addresses criticisms of the present system related to the exclusive role of doctors employed or appointed by the board in providing medical opinions or performing medical examinations in situations where there are doubts regarding the extent or nature of a particular disability.

In addition, the government proposes to establish a new industrial disease standards panel comprising up to nine members drawn from various fields, including representatives of the scientific and professional communities and the general public. The panel's responsibilities would include investigation of possible industrial diseases and their causes, the formulation of criteria for identification of such diseases and the review and development of guidelines for evaluating and adjudicating industrial disease claims.

The panel would be advisory in nature, but its findings would be made public, with the board inviting comment on the issue before making its determination. The board's final decision on the matter would also be made public.

I would like to turn briefly to the remaining reform proposals. The current office of worker adviser will be expanded and a new office of employer adviser will be created. Both will report to the Minister of Labour. The scope of the adviser function will be extended to cover claims matters as well as appeals.

Domestic workers will be brought under the scope of the Workers' Compensation Act by eliminating the existing exclusion in section 131 of the act. Full-time, single employer domestics will receive coverage under part I of the act, while part-time or multi-employer workers will receive the benefit of protections provided under part II. Workers will be provided with full wages and benefits from the day of injury through direct payment by the employer.

The protections against employment discrimination provided under the Human Rights Code will be extended to cover workers' compensation claimants.

The present exemption from civil liability with respect to industrial accidents that applies to employers and workers will be extended to cover executive officers of employers.

The board's authority to finance a variety of training programs in health and safety education will be clarified.

In recent discussion with a number of members regarding the proposed legislative amendments, the question of provision of French-language services by the Workers' Compensation Board has arisen. An internal review committee at the board has been studying this matter for some time with a view to possible introduction of bilingual forms and other services some time in 1985.

It is envisaged that the exact timetable would be dependent to some extent on the date of introduction of the legislative amendments I have outlined tonight. This way the changes can be phased in without risking any interruption to the orderly payment of claims.

It is my intention to introduce an amendment to Bill 101 at the committee stage to make provision for French-language services at the WCB. The precise terms of the amendment will be determined shortly, following the corporate board's consideration of the proposals of the internal review committee to which I refer.

As members are now well aware, the amendments contained in Bills 99 and 101 are both complex and extensive. Throughout the long process of developing and refining the amendments I have described today, I have been acutely conscious of the difficulties involved in balancing my sincere desire to inject a greater measure of equity and fairness into the workers' compensation system with a recognition that many of these changes have important cost implications.

As I indicated in my opening statement in this House last week, the government has embarked on a phased process of reform. It will continue to



examine the wage-loss concept and any other workable alternatives with a view to improving the present system of compensating for permanent disability. In the meantime, I believe the measures advanced in the two bills before us tonight represent a substantial first step in the direction of workers' compensation reform.

**Mr. Wrye:** Mr. Speaker, in the absence of the member for Essex South, who was asked to leave this chamber this afternoon for daring to wish to make some comments on a point of order, I rise to indicate that my colleagues and I will oppose this bill on second reading as we opposed it on first reading.

**8:30 p.m.**

I listened with amazement as the Minister of Labour described these changes and tried to gloss over them as being somehow major in shape. I want to indicate at the outset that I noticed the Minister of Labour dealt with a number of questions asked by the leader of the third party, by myself and by the member for Essex South.

I thought it was very significant that he did not deal with the terrible discrepancy I raised with him last Wednesday in comparing the fate of a widow with two children who is unlucky enough to have her spouse killed on the day before proclamation of these amendments and the fate of a widow with two children with exactly the same income whose spouse is killed the day after proclamation. There is a \$600 or \$700 a month discrepancy in their incomes.

One of the few benefit features of this new legislation that is welcome is our final admission that our treatment of widows and children has been nothing short of shameless. Colleagues from all three parties who have heard me in committee know I feel very strongly about this. The government has recognized it in the new act. Why it could not then bring itself at least to double, to 10 per cent, the payments to surviving spouses and children who live on or near the poverty line at present is beyond me.

I want to start out right where the minister left off and deal with his discussion about balancing fairness and equity with the cost of these changes. No one in this party would ever argue that the kinds of changes we have proposed in this party in our dissent to the majority report would not cost substantial amounts of money, if they are implemented in conjunction with the continuation of the same disgracefully high number of accidents in this province.

We have almost half a million accidents each year and we have 150,000 lost-time claims each and every year. I want the members to think of

how many people there are in the work force. It does not take a genius to understand that we simply have far too many accidents. I am not going to point a finger. I think the blame can be fairly shared around, perhaps a little more to the employer, who is running the business after all. I know there are employees who can be negligent in an accidental way. Obviously, they do not want to be hurt. I understand there are employers who can be negligent, but I suggest if we wish to deal with the cost of the compensation system that is the only way to go about it.

I want to remind my friend the minister what Paul Weiler argued back in November 1980. I want to read this brief quote because, while I disagree with some—not a lot—of the major conclusions Weiler reached, he certainly had a way with words and had some of the correct approaches. Weiler wrote in his report:

"It is illegitimate in principle to argue that the Workers' Compensation Board must tighten up on claims and cut back on benefits because its total budget is growing too large, too fast, for the economy to afford. This should be as unthinkable as would be a suggestion to the Chief Justice that the number and level of tort awards be restrained by his judges because insurance premiums are getting too high. In both cases, the same answer is appropriate: the only proper means of containing the bill for accident losses is to reduce the number of accidents themselves."

Frankly, if the minister and his officials over at the Workers' Compensation Board would worry a little more about the 150,000 lost-time claims we have each year and a little less about cutting back on nickels and dimes, and nickel and dime injured workers in this province to death, we would have a better piece of legislation and, more important, we would have many fewer injured workers.

I want to put something together fairly quickly. I want to deal with a number of issues. I am going to deal mainly with the benefit issues because I do not have major concerns about some of the structural bureaucratic changes. The independent tripartite appeal tribunal is long overdue. The new corporate board appears to be well on the way to giving us a new day in terms of the directors of the board. In looking at the bill, I notice the minister appears to have listened to some extent to our appeal that the chairman of the appeals tribunal not be on the board. He has decided to put him on, but as an ex officio nonvoting member. I welcome that.

Obviously, the minister knows I have some concerns about the workers' advisers, but I am



leased to see they are being expanded even though he has put them under his ministry, which is wrong. In our opinion, he should have put them under the Attorney General (Mr. McMurtry) and put them in the community legal clinics.

The medical review panels are a welcome change from the board doctors. Probably every injured worker in Ontario who has ever had a serious injury has his or her own horror story about board doctors. That is a welcome change, though I must say I am concerned about the way, in my reading of the act, that the minister will allow references to the medical review panels only by the appeals tribunal rather than by either the worker or by the employer. We are going to have to take a look at that issue in committee.

By and large, those are structural changes we could have brought in two or three years ago. When one begins to look at the benefit changes, however, the really big one the minister has brought in is the abolition of the one-day waiting period. That says it all because that is probably the most significant change. The other benefit changes and some of the attendant issues are really almost disgraceful, and we in this party are not prepared to support them.

First, let me deal with the issue of total temporary benefits. Four years ago Paul Weiler suggested the level of benefits, the maximum ceiling, should be 250 per cent of the average industrial wage. He made this comment at the time:

"Theoretically, I am not convinced that there is a good case for any ceiling at all." Then he goes on: "We must respond to the practical problem of ensuring that essentially all the earnings—not 80 per cent nor even 90 per cent—of all the industrial workers in the province are protected by the same compensation system which takes away their right to sue."

We got through the first stage; the white paper said that was fine. We got to committee and to the arm-twisting stage. In came the business groups to say, "We cannot afford it." By this time we were beginning to forget the principle that an injured worker is an injured worker no matter what he or she was earning.

With their majority, the Tories on the committee voted to roll that 250 per cent back, not to get rid of the ceiling, which really is not theoretically a very good idea, but to roll it back to 175 per cent with small increments. We in our party said, "We are prepared to be reasonable." In the committee voting, we were supported by the third party. We

proposed to start at 175 per cent and gradually wipe out the ceiling.

Then we come here to look at this new piece of legislation—and I do not know whether \$31,500 is 150 per cent of the average industrial wage, but if it is, it is just barely; I think it is about 147 per cent or 148 per cent—and much to our dismay the government has taken another giant step backward. The minister stands in his place and says, as he said tonight, so I am just repeating it, that when 85 per cent of injured workers in Ontario receive total temporary benefits, they will be receiving total temporary benefits right up to what they were previously earning based on 90 per cent of net.

We in this party worry a little more than this government about the minority. It is grand to say that 85 per cent are going to get full benefits, but what about the other 15 per cent? Why should they pay a penalty? That is the question the minister has not yet come to grips with. Why are they paying a penalty if, very often through no fault of their own, they are unlucky enough to be injured on the job? It is in wages that they are paying a penalty. We will get to the employment benefits in a while, because the act is curiously silent there. We have no breakthrough there. We have totally ignored Weiler, the white paper and the committee. There is absolute silence on benefits.

**8:40 p.m.**

I want to ask the minister to stand up and justify that for the 15 per cent who are not going to get total temporary benefits; they are going to get total benefits up to a ceiling they surpassed through their skills, ingenuity, education or whatever. Why penalize them? I do not accept that. I simply do not understand it.

**Mr. Shymko:** Did you see Bill Wrye on TV?

**Mr. Wrye:** The next issue I want to deal with is the crux of the whole matter. It is the so-called dual award system that was proposed by Professor Weiler and the so-called meat chart. I have some major differences of opinion with Paul Weiler. The minister knows well from what we in this party proposed that we departed quite significantly from Paul Weiler, but I want to suggest that Paul Weiler at least recognized the problem.

**Mr. Shymko:** I was just commenting that you looked very good on television the other day.

**Mr. Wrye:** Maybe my friend from High Park-Swansea (Mr. Shymko) would like to reacquaint himself, if he has ever acquainted himself—



**Mr. Shymko:** How is John Turner?

**Mr. Wrye:** John Turner is better than Brian Mulroney will ever be.

**The Acting Speaker (Mr. Robinson):** Order.

**Mr. Martel:** I thought we were talking about the compensation bill.

**Mr. Shymko:** How can John Turner handle the problems of the world?

**Mr. Wrye:** Mr. Speaker, maybe you can control the member for High Park-Swansea.

**Mr. Martel:** Why do you not just throw him out?

**Mr. Nixon:** Yes, throw him out.

**The Acting Speaker:** Order. I point out to the member for Windsor-Sandwich that had he not named the member by riding, that exchange likely would not have occurred. I invite him to address Bill 101.

**Mr. Wrye:** Thank you, Mr. Speaker.

**Mr. Stokes:** So much for evenhandedness. He was clearly out of order.

**Mr. Wrye:** I will ignore it. Maybe the member for High Park-Swansea, rather than just yapping, would like to join in the debate a little later and tell us all that he knows about workers' compensation, if he knows anything at all.

**Mr. Shymko:** That is excellent.

**Mr. Wrye:** Do not be silly.

**Mr. Stokes:** He is just trying to trivialize a very important issue.

**Mr. Martel:** Throw him out.

**Mr. Shymko:** Mr. Speaker, on a point of privilege: I am defending the workers of High Park-Swansea before the workmen's compensation board just as often as, if not more often than, the member for Windsor-Sandwich.

**The Acting Speaker:** That is not a point of privilege.

**Mr. Wrye:** It is not even a good point. He calls it the workmen's compensation board. It has been the Workers' Compensation Board for a year and a half. He must be doing a lot of work.

Professor Weiler put his finger on it neatly in summing up the so-called meat chart, the clinical rating system. He said: "The central ingredient of workers' compensation has now totally lost"—totally, not partially—"any legitimacy which it might have ever had. People no longer tolerate the inequities in individual cases which are produced by a system of average rough justice."

That is what Paul Weiler said four years ago. He called it "entirely discredited." That is what he said about the clinical rating method.

**Mr. Shymko:** What is he saying now?

**Mr. Wrye:** I do not know what Professor Weiler says now. I know what he said last June. Maybe the government mugged him again. I know what he said last June; I remember that. I can read Hansard back to the member. Maybe he will get it and let one of my colleagues read some of it.

The point is that after four years on what Professor Weiler called this central ingredient of workers' compensation benefits, this minister and this government have the audacity to come to this House and to the injured workers of this province and say, "We do not have a clue as to how to solve your problems; so we are going to have an active consideration."

What have they been doing for the last four years over there? Surely, with all the government's millions of dollars, its computer runs and its board actuaries, it could have figured out something. But no, it has consigned injured workers—existing claimants, claimants injured today and claimants who will be injured tomorrow, next week and next month—to the scrap heap of life in many cases.

With awards of 20 per cent, 25 per cent or even 30 per cent, and perhaps a small pittance from the Canada pension plan benefits—or perhaps not, since there are some qualifying rules for CPP disability benefits—they will perhaps reach near the poverty level. They will certainly not go over it.

What is the minister's answer? "We are going to continue subsection 43(5); but if you are receiving CPP disability benefits, you are no longer ineligible to receive benefits under subsection 43(5) or clause 43(1)(b)."

That is a really big deal. The minister could have brought that in three years ago too. CPP has not forced him, has not broken his arm and said he cannot do it. It is the fellows and ladies over there and it is the WCB who have said: "Oh, no. We cannot have that. We cannot rehabilitate a worker and give him supplementary benefits because he is receiving Canada pension plan benefits."

The government is showing its true colours and its true colours in this case are to rob the Canada pension plan to pay for benefits that the Workers' Compensation Board, through the employers of this province, ought to be paying. The government is going to let injured workers and healthy workers pay for workers' compensation. If it is not going to do that, then it should integrate the two and mail the money back to



Ottawa; but it should not steal from the Canada pension plan, because it is not fair and it is unjust.

I want to deal with the issue of the dual award. The government knows our view. It is, I think, a fair view. We would have a second wage loss system. I know the workers up in the audience tonight and a lot of injured workers are worried about the wage loss because of the so-called seeming provisions.

I want to deal with that briefly because I think it is very important that this government and the injured workers understand what we in the minority in the committee were saying. We did not just put in a wage loss; we put in protection to do with it.

We defined in committee for the first time the important words for workers going out to look for a new job. We defined the word "suitable," and we defined it very tightly. We defined the word "available." That does not mean there is a job out there. That was not just the view of our party, and indeed it was not the view of the majority of members. In fact, the committee was unanimous.

The view of all members of the committee after some very tough debate was that "available" meant not only that there was a job out there but also that it was offered to the injured worker, and that "suitable" meant it had to be within his physical and intellectual capabilities to perform that job.

I read through the bill and, not to my amazement at all, guess what is not in the bill: the definitions of "suitable" and "available." Once again workers will be put on a supplementary; it will be subsection 43(5) or whatever we renumbered it as, and one year later WCB will say: "You should have got a job. We know you are a construction worker and you can never work in heavy work again, but you should have got a job. We have not given you vocational rehab, but tough luck; you are off the rolls." The older workers, if they know the work, they may be able to get some money. But what about the worker who is 40 or 45?

In this continuation of the meat chart and in the failure to come up with any kind of meaningful breakthrough to help workers get new jobs with respect to vocational rehabilitation and not just throw them out there and say, "There is something out there and it is available; go and find it," this government has ignored Weiler and its own white paper. It has ignored my friend the member for Oriole (Mr. Williams) and the gentleman who is sitting in the Speaker's chair. It has ignored in that case its own members.

I did not find the members of the government party at all times, and maybe not even at many times, to be terribly sympathetic to some of the views this party put, but even the members of the government party were moved to go most of the way with us on the definitions of "suitable" and "available."

**8:50 p.m.**

I look at the failure of the government to talk about employment benefits, and once again this government has attempted to pretend that it is bringing in reforms when it is doing nothing of the kind. Paul Weiler recognized the problem, and even the committee did. I would like to read from the committee's report and quote a short section of Professor Weiler's report.

"The workers' compensation system," wrote Paul Weiler, "must be designed to maintain the private benefit package previously provided by the employer, or at least to compensate the injured worker for loss of those benefits."

Why did he say this? The next line is crucial. "So-called fringe benefits now typically comprise 25 to 30 per cent of the total compensation package paid to employees for their services." Some of this is vacation pay which probably would not apply. However, we are quite willing to compromise on this issue.

The fact of the matter is that once again the government is totally silent. I do not know what happened between the release of this report on December 16, 1983, and June 1984, but I will tell the House that this government has gutted even those minor breakthroughs which could be forced out of the Tory members of the committee last September.

The Workers' Compensation Board—which I am sure would have read the briefs of everyone appearing before our committee, starting with the Association of Injured Workers' Groups and on through the legal clinics and right on to the Canadian Manufacturers' Association, the Canadian Federation of Independent Business, the Canadian Organization of Small Business and a number of other independent business organizations that came in—decided it would take another poll of the employers to find out what it should have already known, at great cost to the employers themselves.

Frankly, some of the questions that were asked offended me. I really thought it was the business of the legislators of this province. However, perhaps it is that kind of polling which led the government to make its decision.

I know a number of other members of my party wish to speak, so I am not going to go on much



longer. I must say to the minister that I had hoped this legislation would be mildly progressive. As a matter of fact, as one looks back, we started with Weiler; we took a step back with the white paper; and we took another step back with the committee.

Frankly, if we knew then what we know today, I think even those groups that fought a lot of what Weiler had to say would say, "Give us Weiler and let us be done with it." This government has wiped out every progressive move Paul Weiler suggested. He must be ashamed of this government. He must be ashamed that he wasted his time to do this work. All the good work he did has been gutted by a government that is afraid to move boldly into the future, afraid to recognize the reality out there.

We are never going to get the cost of workers' compensation under control unless somebody over there and at 2 Bloor Street East decides that enough is enough, that we cannot tolerate 150,000 injuries in the work place every year which result in lost time claims. They are going to have to start going to the employers and the trade unions, saying: "Fellows, the system is going broke. Reform yourselves. Let us have a safer work place."

This is the only way we are ever going to save the money. This is the only way the unfunded liability is ever going to be stalled and begin to be reduced. It will not come about with this kind of attack on every injured worker in Ontario.

**Mr. Lupusella:** Mr. Speaker, I am pleased to rise and give you my modest contribution to this debate. I think it is a historical debate, even though it is not given the importance this bill deserves. To specify, I do not think the government is giving it the proper perspective, taking into consideration the needs of injured workers across Ontario.

[Remarks in Italian]

Bill 101 is overdue. In 1980, when Professor Weiler was appointed by the government for the specific task of reshaping the Workers' Compensation Board of Ontario, I do not think he told us anything completely new regarding what injured workers across the province have been telling us and the government, that it was time the WCB was reviewed and that there were inherent problems to be taken into consideration by the government. I do not think what the government has been doing is a result of his report. Besides minor modifications, he gave us a synopsis of problems injured workers have been faced with through the years.

I sympathize with the past criticism that has been brought to the attention of the government on so many occasions on the floor of this Legislature when there was a need to reshape the Workers' Compensation Board. Previous ministers of the government had such opportunities in 1975 and 1980. The government has not moved fast enough to introduce what injured workers have been demanding through the years, the need for a change and a restructuring of the levels of benefits and pensions. It is time for the government to take immediate action and solve once and for all the problems that have faced injured workers.

If we are going to have an open scenario about specific demands that have been made by injured workers through the years, I sympathize with the other criticism that has been raised on the floor of the Legislature. The government has had ample time to act and it has never acted. The so-called god, Professor Weiler, came out with a concrete criticism about the WCB and its act, which was old and archaic, and about how injured workers have been suffering through the years. Four years after he was appointed, we are faced with a smokescreen reshaping of the Workers' Compensation Act in Ontario and nothing else.

The important task, which the minister has been saying had been delayed for phase 2 of the total program of reshaping the WCB, has been postponed for further study. I would like to convey to the minister my sense of frustration with and condemnation of the approach that has been taken by the government towards injured workers across the province.

The message given by injured workers in Ontario is "enough is enough." The time has come when the government has to act immediately so the problems of injured workers are phased out. We recognize that after many years, during which employers have complained about the cost of the changes, injured workers and their families have suffered long enough.

In 1980, the government looked at some concrete recommendations for solving new problems existing in the old act, while the new act was supposed to solve the old problems. I do not think this situation has been balanced.

We are told that as a result of Bill 99 injured workers are going to receive a five per cent increase and nothing else. The government ignored all the criticism that was raised before the standing committee on resources development last year by injured workers and the Association of Injured Workers' Groups speaking on their be-



half. The government has ignored their specific demands.

**9 p.m.**

The present pensions of injured workers and their past injuries are not taken into consideration at all by the new act. I can see what is going to happen. The present 80,000 WCB pensioners are going to be faced with the same sense of frustration, the same sense of injustice they have faced for so many years. I do not think this government's cold approach can be justified. I am sure the injured workers will remember that some day.

Employers have been complaining about the high cost of legislative changes, based on the study done by the Wyatt Co. and presented to the Workers' Compensation Board on April 27, 1984. If I am not mistaken, the five per cent increase included in Bill 99 will cost the board something like \$22 million but, again, actuaries employed by the board have been playing around with the figures.

They are considering the cost of this five per cent increase but this study has not taken into consideration all the money invested by the WCB since 1914, billions of dollars which have been stolen from injured workers' pensions. It is time the government gave back those billions of dollars to injured workers and their families across Ontario because they have been starving for so many years.

This is the kind of approach the government has to use if we want to finalize, once and for all, the injustices injured workers have faced for so many years under the regime of Conservative government in Ontario.

I would like to bring to the attention of the government and the Minister of Labour (Mr. Ramsay) that it is not only the injured workers across Ontario who are fed up. I understand the board is not even trusted by the employers. The act has been condemned by injured workers for so many years. Today I received a phone call from someone telling me that an appeal before the board was postponed indefinitely.

I asked, "Why do you not proceed with this appeal?" It was an employer's appeal, not a claimant's appeal. He said he did not trust the board any more. He wants to find out how the new independent tribunal system is going to work when the new legislation is enacted by the Legislature. Even employers are fed up with the way the board is treating them in relation to the administrative aspect of the act. I think injured workers should be considered more in relation to

the bureaucratic approach they have been going through for so many years.

The employers are fed up with the approach and the injured workers are very critical of the board's implementation of policies which are a result of an act which never worked in Ontario. It has created many injustices and bad feelings among injured workers and their families. Some of them have been going through a starvation period. Families have broken up in Ontario. Injured workers, after making their economic contribution to this province, are going back to their native countries in Europe; Italy and other countries.

We are faced with a very insensitive government when it comes to the problems injured workers have been screaming about. Here we are, close to the end of 1984, and we do not know if an election will be called this fall. There are more insecurities than ever in relation to the future of injured workers' reform in Ontario.

It is terrible for the government to treat injured workers in this way after they worked for so many years for the benefit and the economic development of this province. This political approach should be condemned. I want to go and sit beside the injured workers here this evening to voice this condemnation of the government's approach to their problems when it is dealing with legislative changes or the administration of policies at the board level. The government should be ashamed of itself.

In the past, we have said the Workers' Compensation Board and the act never worked in the interests of injured workers across Ontario. Bill 101 is just a bunch of clauses that are really smokescreens for the solutions the injured workers have been demanding for so many years. I remember that in 1971, 1974 and 1975 injured workers stood in front of Queen's Park—I was among them—demanding full compensation or job security. It was a clear message to the government.

Did the government take this demand into consideration? Here we are in 1984 talking about reshaping the Workers' Compensation Board in Ontario. Because of the election, we do not know when the new law will be enacted. Are we giving guarantees of jobs to injured workers? I do not think so.

Even when the new law is passed by the Legislature and implemented, we will be faced with the bureaucratic approach at the board level. The so-called corporate board will enact policies to counteract the legislation, and the policies will still work against the interests of injured workers



across the province. As far as I am concerned, I have been critical in the past and I have a negative vision of what will happen in the future. I am really pessimistic about the new law, phases 1 and 2. I do not know what phase 2 will be besides the principle of the dual award, which has been postponed.

Why is the government not introducing the dual award now? It is not because injured workers have been rejecting this principle. We heard from the board at the committee level that the dual award would cost too much money to employers, that it cannot be implemented because the unfunded liability would increase and would put the board into bankruptcy and because employers across the province would scream about it. Because of an imminent election, whenever it is going to be, I do not think the government would like to introduce this proposal now and receive a negative reaction from employers across the province at a time when an election is looming.

That is the reality. I understand the minister when he says this clause needs more study and that phase 2 will be forthcoming. He should talk to the previous ministers. They have promised studies on changes in the Workers' Compensation Act in the past. In 1984, almost 10 years later, what have I seen? As a politician in this Legislature, I have seen regular increases only because the injured workers in the province have come to Queen's Park constantly claiming that pension and benefits levels must be increased.

**9:10 p.m.**

Why must injured workers go through this very difficult process? During the cold weather, despite their suffering, they try to demonstrate in a very honourable way that there is need for change and reform in the act because it is inadequate.

The Workers' Compensation Act used to be complete in 1914, but when the Liberals forced changes 10 or 20 years later, the act became inadequate. Did the government recognize this need? No. Injured workers were supposed to organize themselves, to form a union of injured workers, to try to form umbrella organizations on behalf of injured workers, appearing before a committee of the Legislature, demonstrating, being arrested, being stopped when going to the board to claim their benefits because there are certain individuals who it is claimed are dangerous. They have been threatening the chairman and officials at the board.

I would like the minister to tell us how many people cannot enter the board's premises unless

they make an appointment before going there. The board's office is a public place. If injured workers have been driven to exasperation because their families have been suffering, it is not their fault.

I accuse the government of being responsible for this. How many trials have injured workers been put through because they have been demonstrating at 400 University Avenue, in front of the minister's office, requesting and demanding changes in the Workers' Compensation Act?

If we want to be fair and judge the situation in a very honest way, I think the government has been responsible for this problem. If we are talking about major reforms in the act, major reforms at the board level, let us talk about really reshaping the board without introducing certain changes that do not mean much to injured workers.

I understand the independent tribunal system was demanded by injured workers in 1970 and 1971. Mr. Starr, the former chairman of the board, made a specific recommendation, as the result of an internal study of the operation of the board 10 or 12 years ago, about the independent tribunal system that was supposed to be more fair and take the needs of injured workers into consideration. This system would try to separate that body from the board itself.

It was not an independent study. These were people employed by the board. Mr. Starr recommended this change. The injured workers were demanding that 10 years ago.

What about the independent medical review panel? Is this something new for 1984? Mr. Weiler, the big professor appointed by the government, was supposed to teach us about the independent medical review panel that was supposed to be implemented at the board level. Let us give credit to the injured workers across Ontario. They have been demanding that, not Professor Weiler.

Again, changes were requested 10 or 15 years ago. In 1984, the law is not even introduced. What is the total cost of these minor changes? This is my definition of the minor changes that have been introduced by the government at this time: not to solve the problems of injured workers across Ontario but to aggravate their problems in the future. I am speaking with a pessimistic mind, based on my past experience and the suffering of injured workers across Ontario.

The five per cent amendment, which will cost \$22 million, is what the injured workers of Ontario have been demanding for so many years. Let us index injured workers' pensions to the cost



of living. Why do they have to come to Queen's Park every year, with their suffering, their canes, and braces on their broken backs, to demand an increase in the level of their pensions? Let us put this clause in the act to satisfy the needs of injured workers across the province. Along with that, not only do we have to index injured workers' pensions, but the board must be more generous in assessing the level of injured workers' pensions when they are called for their assessments.

We are talking about an overall historical perspective, if I can use the words of some members, to reshape the clinical rating system. Let us be more generous in the assessments, but we cannot talk about generosity with the assessments if we are not going to phase out the clinical rating system, the so-called meat chart.

Professor Weiler has come out with the alternative of a dual award by scrapping the clinical rating system. Now we are finding out that the dual award cannot be implemented for some reason. I do not really know what the intention of the government is in relation to that. As I stated before, my own interpretation is that the dual award will cost employers millions of dollars and the government does not want alienation at this time. I am sure something will be introduced in future.

In a supplementary question in the Legislature, I asked the minister whether, because of the postponement of the principle or the issue of the dual award, he was ready at this time to introduce a major change in the clinical rating system across Ontario.

**Mr. Laughren:** What did he say?

**Mr. Lupusella:** He was noncommittal. He was impassive.

This issue has been brought to the attention of the chairman of the board and the government for so many years. Injured workers have been saying to the government, "Let us scrap the meat chart across the province because it is unfair and inadequate."

We have heard as well that there is a major study in the United States in relation to the clinical rating system. The board's attitude is: "We are taking a look at it. We are following their procedure." We have qualified specialists and doctors in this province. The government has qualified people it can approach who can face the issue. Let us do something about it.

In the past the criticism from the government was: "You in the NDP are looking for a welfare system. We have been talking about being compassionate with the system, but we cannot give out money." We are talking about imple-

menting an act which we know for a fact is not working. It works against the rights of injured workers. We know employers across the province are not faced with liabilities in case of accidents.

**9:20 p.m.**

The employers knew from the very beginning they were supposed to fund the Workers' Compensation Board in Ontario. They knew from the very beginning they were supposed to pay premiums every year to fund the Workers' Compensation Board to comply with the needs of injured workers in Ontario. It was not something new. It was not a new formula introduced by the government 10 or 15 years later so that the employers at a certain point told the government, "You misled us in the past because you were not talking about funding the board with our own money."

What did employers get through the years from the board? The so-called independent people were supposed to work apart from the employers, apart from injured workers, trying to be an independent body looking at injuries as a form of right for injured workers. Employers across the province got a free ride. They got cheap premiums through the years, and the injured workers across Ontario claimed that the Workers' Compensation Board was a cheap insurance scheme for the employers and not for injured workers. They were right.

I do not want to talk about statistics any more. I had ample opportunity in committee and on the floor of the Legislature to bring to the attention of the government how employers across Ontario have had a free ride on their premiums and on their contributions to the fund of the Workers' Compensation Board. I think the minister knows I do not want to play with numbers and statistics. Injured workers know and employers across Ontario are aware that employers have had a free ride for so many years.

Now that they are faced with the unfunded liability and now that we are talking about major changes in the act, they are screaming about the cost. They might have a concern, but here we are viewing the Workers' Compensation Board as a matter of right for the injured workers across Ontario. We on this side of the House are viewing the Workers' Compensation Board as something that was supposed to be modernized a long time ago.

We view the Workers' Compensation Act as inadequate, as not taking into consideration the needs of modern realities in Ontario. We recognize the inability of the government to act



on behalf of injured workers, because for 44 years the Tory government has been the spokesperson and defender of employers across Ontario against the rights of injured workers. The New Democratic Party is condemning the political approach used by the government.

I am sure that in the future injured workers will come to the steps of the Legislature because they will still have a complaint, especially present pensioners, those with old injuries, about all the problems not being considered by the new act. Existing pensioners are not treated generously by this government. Each year they have been faced with a five per cent increase, a nine per cent increase two years ago being the most generous one. The government is still coming out with the position, "Even though there is a delay and no increase in the level of benefits for injured workers, at least we are maintaining the position. We have been increasing injured workers' pensions and the level of benefits."

They might have a point, but I will never understand why injured workers are supposed to demonstrate in front of Queen's Park. I did not hear a clear statement from the minister or from the government that the older pensioners are going to be taken into consideration in one way or another. What the government is doing with the new law is trying to give money with one hand to injured workers and with the other hand trying to steal money from injured workers. This approach is totally unacceptable to the NDP. We have been fighting and we are going to fight on behalf of injured workers as long as we are here as a party.

I realize that my colleagues want to get involved in this important debate. I know they would like to give their contribution. I also know the government might say: "Did your party give us concrete proposals to solve the problems of injured workers? What are you proposing instead of being critical?"

We have a dissenting report that has been drafted as a result of the majority report. We have finalized our presentation, which was unacceptable to the government members. I do not think our concern has been really taken into consideration by the government in relation to the two bills which are before us, Bill 99 and Bill 101.

I would like to tell the minister of one thing that bothers me, and I think this has been a general complaint coming from injured workers throughout the province. Each time legislation has been introduced in this parliament as starting from July 1, let us say, the law is never retroactive. The minister cannot imagine how many injured workers cannot be considered by

the new law, whatever it is going to be, just because the law is not retroactive.

Let us talk about the ceiling when a person gets injured. When the law comes into effect, it starts at a certain period of time. If the worker was injured three or four days before the new law came into effect, he is not covered. Injured workers are particularly concerned about that. In fact, when the new law is introduced, the old injuries are left out. There is no retroactivity clause in the new bill which might take into consideration injured workers who were injured four or five months before the law came into effect and who might not get the benefits of the new law.

This process never takes place. People are suffering as a result of that. Although their injuries are similar, the level of benefits or compensation is completely different.

The retroactivity clause is something that must be considered by the government. We have followed the statistical data released by the board. The majority of accidents are finalized during a period of four or five months when the majority of the people go back to work after their injuries.

We are talking about 25 per cent of the people who are permanently disabled as a result of work-related injuries. When the new law is introduced, because there is no retroactivity clause, only the new injuries will be considered by the new law, and the old injuries where people were injured maybe one month before are going to be completely excluded and the level of the benefits will not be considered in the light of the new law.

On this side of the House we have been talking about the abolition of the ceiling. The government has taken the position of considering 90 per cent of the net. The New Democratic Party's position has been, along with the position of injured workers across Ontario, that the ceiling should be abolished.

As I stated, I have a great respect for Professor Weiler as an individual, but I do not think he really gave us something new in relation to the problems of injured workers in Ontario.

**9:30 p.m.**

The abolition of the ceiling has been proposed by injured workers and this side of the House for many years. The member for Nickel Belt (Mr. Laughren), the member for Sudbury East (Mr. Martel) and other members have been talking about the abolition of the ceiling for about 15 years, and the injured workers have been maintaining the same position in relation to this



particular task. The government is now taking the position of 90 per cent of the net, even although Professor Weiler makes an argument about the net and the gross income.

I will finalize my comments because other members want to get involved in this debate. I would be holding the floor for three or four days if the injured workers' problem were to be spelled out in the Legislature. It may be time I framed in my mind a new approach when I deal with the WCB on the floor of the Legislature. We may have to move an emergency debate on a daily basis until the government comes to grips with the problems injured workers face, their sufferings and the sufferings of their families and their children as a result of serious injuries taking place on the job.

Although I welcome the opportunity to send Bill 101 to a committee of the Legislature, if the Minister of Labour is really serious—and I am sure he is serious about the problems of injured workers—I hope comes to the position that amendments must be accepted by the government when public hearings take place and when the members of this committee finalize the recommendations on clause-by-clause reading of the bill.

I heard in the ministry statement that the minister will be introducing only one amendment, one that relates to the French language. I do not think that is enough. If this is the only amendment the government will introduce on Bill 101 after the committee of the Legislature undertakes the task of going across Ontario to have public hearings and to hear injured workers' depositions through the summer, I will be the first one to rise here and tell the minister that is going to defeat the purpose and task of the committee itself in travelling across Ontario and placing injured workers across the province under the tremendous stress of appearing before the committee of the Legislature, if we know this is just a political rehearsal and the government is unwilling to change Bill 101.

I will refuse to sit on the committee if the government is willing to undertake the task of introducing only one amendment without taking into consideration the needs of injured workers across Ontario. I hope the minister will change his mind and will change the minds of his colleagues or else I will refuse. I give this clear commitment now that I will refuse to sit on the committee if we know the whole process will be defeated by a government that is not willing to make changes. We are going to meet here again when the bill is debated on third reading.

**Mr. Riddell:** We could not do it without the member. The committee would not be the same without him.

**Mr. Lupusella:** While the committee travels across Ontario, I will make sure I am present among injured workers across the province to make political strategy for the next provincial election rather than waste time on a committee when the government is not willing to introduce any other amendments to Bill 101.

I would like to take this opportunity to thank the House for its indulgence. I would also like to commend the injured workers who are sitting in the public galleries and who have been appearing before us at Queen's Park for so many years. I think we have to use the humane approach. There is a problem. The government has to do whatever it can to make sure the injured workers' problems are finalized once and for all.

**Mr. Sweeney:** I assume there is no speaker from the government side. Is this correct?

**Mr. Speaker:** Yes.

**Mr. Sweeney:** Thank you. I want to say very clearly to the Minister of Labour how disappointed we are with the presentation of this bill. I want to emphasize this by pointing out to him that it is rare in this Legislature for members of my party to oppose a piece of legislation on first reading. I think the minister appreciates that.

We have always accepted the principle that the government of the day has the right to bring in its legislation and has the right to have that legislation at least presented for first reading, to have it accepted at that stage and then to have an opportunity to have us debate it, both pro and con.

We accept this principle. We accept this courtesy. I think the minister recognizes that, by and large, with very few exceptions it is the kind of recognition and courtesy the government's legislation gets from members of my party. I say this to the minister only to emphasize how bitterly disappointed we are and, quite frankly, how angry we are with this particular piece of legislation. This is the first point I want to make.

Secondly, I want the Minister of Labour to know the respect with which he as a person and as a minister is held by members of my party. We recognize the Minister of Labour's competence, dedication and compassion. This is all the more reason why we are so bitterly disappointed in this piece of legislation.

Quite frankly, we did not expect it. We had no reason to expect it. We had the Minister of Labour join us in committee on a number of occasions. We had an opportunity to hear him



express his concerns. We had an opportunity to hear him explain to us what he hoped he could accomplish. Then we get this piece of legislation.

Is it any wonder we are so disappointed, so frustrated and so angry? I have been involved with this legislation in one form or another for the past two years. For the most part, it has been a frustrating two years. However, my frustration over the last two years is a pale shadow of the frustration felt by the injured workers in this province for a much longer time. This is something I recognize. This is the third reason we felt it was absolutely essential for us to oppose this legislation, even on first reading.

**9:40 p.m.**

We started out so long ago, it seems, with the government of Ontario admitting and recognizing, as so many others have, that the kind of legislation we have for injured workers in this province today is totally inadequate. We all agreed on this. We all agreed something had to be done. We all agreed the injured workers of this province were owed better than they were getting. We all agreed we would work together to achieve that kind of goal.

The first step was the Weiler report. The minister will recall my colleagues and I immediately spotted the holes, the flaws and the weaknesses in the Weiler report. We recognized its advances and the benefits of some of its proposals but we also pointed out, as a loyal opposition is bound and elected to do, what we felt were the weaknesses and flaws in that report.

Then we set out, we hoped, to improve it. Yet what did we get? We got stage 2, the government's white paper. Despite the flaws and the weaknesses in the Weiler report, the government's white paper took a step back. It did not even accept all the proposals of the Weiler report with its weaknesses and flaws. We took a step back.

What happened next? We met in the standing committee on resources development and produced the majority report. As a long-standing member of that committee, I can say the majority report was a report of the members of the government party on that committee. It was not the report of either of the opposition parties.

We so violently and strenuously disagreed with the position taken by the members of the government party that each of the opposition parties wrote a detailed, lengthy and comprehensive minority report. We do not usually do that. We usually take one or two sections of the report and say we disagree with this for these reasons.

We wrote an entire minority report because the majority report of the committee not only took a step backwards from Weiler but also went further still and took a step backwards from the white paper which had already taken a step backwards from Weiler.

I do not know what kind of a dance we are doing around this place, but it seems to be a dance that only goes in one direction—backwards. Therefore, I ask the minister why he is so surprised that we cannot support what is happening.

After the Weiler report, the government's white paper and the committee report comes the next step: this piece of legislation. Which way is the dance going now? Backwards again.

Not only does the minister not accept Weiler's report or the white paper of his own government, but he also does not even accept the majority report of the committee, which is a report solely and completely of his party's members on that committee. The government brings in a piece of legislation which is another step back.

Is the minister surprised that despite the fact there are some advances in his bill—we recognize them, we appreciate them and the injured workers will appreciate them, to a limited extent, and I will speak very briefly to them in a few minutes—it is another step back?

What do we end up with? We end up with a dance that is four steps back and only one step forward. Are we supposed to accept that? Are we supposed to applaud that? Are we supposed to support that? Are we supposed to congratulate the government for that?

I have not been elected to this Legislature on three different occasions by the people, the workers and the injured workers of Kitchener-Wilmot to support that kind of legislation. That is not why they elected me. That is not why they sent me here and I am not going to support it. We have made that pretty clear.

I indicated there are some advances in this legislation, and I want to recognize them. We are pleased to see that the government has moved from 75 per cent of gross to 90 per cent of net. That is an advance, freely admitted.

I do not think it is enough, however. The minister is well aware that we made what I think was a much fairer proposal, which is that we agree on the 90 per cent of net for the first three months an injured worker is away from his or her job—because if we take into consideration the total tax benefit over a 12-month period, the 90 per cent evens out—but after that we should move to 100 per cent. We clearly demonstrated that



there is no valid reason for not moving to 100 per cent after the first three months. While I accept and support 90 per cent as being a step forward, even that is not as appropriate as it could be.

I want to support the reference to providing a supplement to older injured workers who are nearing retirement. I had a man of 63 in my office just a week ago who had been injured four years ago and who has been co-operating with his rehabilitation officer during that entire span of time. They finally agreed that there simply is no place else for this man to go. Therefore, we applied for that supplement and we were successful in getting it. I want to say to the minister that it was a good thing to do, a just thing to do, a compassionate thing to do. I am very pleased it is now going to be built into this legislation. It is a step forward; I accept that.

I am very pleased at the appeal tribunal. I am pleased at the medical review panel. I am quite pleased at the advances made in the support for spouses and dependent children. As a matter of fact, the formula the minister has put into his legislation is very close—not equivalent, but very close, as I am sure he remembers—to what I and my colleagues had proposed. I applaud that. It is a definite step forward, and my colleague the member for Windsor-Sandwich has already clearly explained why we would support it.

I want the minister to be aware of the fact that we are aware there are some good things in this legislation. Therefore, I can understand to a small extent why he might be surprised at what appears to be our total objection to it. We are quite prepared to recognize the positive things he has done. We are quite prepared to support him when he does positive things, but we cannot support this bill, despite our recognition and our support of those positive items I have listed. I very deliberately listed them; I did not want the minister in any way to think I had not noted or recognized them and would not support them. I would, but not in this piece of legislation.

The question obviously has to be why. The answer is that the true heart and soul of what we have worked for in this Legislature, in the various committees that have sat on this kind of legislation for the past two years, the very kinds of things that injured workers have been asking for and demanding, have been torn out of it. A sense of justice is not in this legislation.

9:50 p.m.

I can well appreciate that when we are introducing new legislation or making legislative advances, sometimes they have to be phased in. I recognize it, I appreciate it and often I can

support it; but not in this case. What the minister has left out is the very essence of what we have been all about. We have said so often and so clearly that one group of people whose needs must be met is the existing claimants to workers' compensation, the people who in the past have been injured, penalized and unfairly treated and who continue to be.

They are represented in every community around this province. As the member for Dovercourt (Mr. Lupusella) so well explained a few minutes ago, they have come before this very Legislative Building. They are the very people who persuaded us to do something which to the best of my knowledge was unprecedented, to hold a meeting in front of the building; not only to speak to them but also to hold a formal committee meeting on the steps of this building. To the best of my knowledge, it has never been done before. It highlights the needs of these people.

To the best of my understanding and knowledge—I will be extremely happy if the minister can show that I am wrong in this interpretation—this legislation does nothing for those injured workers who are current claimants under the workers' compensation system of this province. It is not just, it is not fair and we cannot support it. The minister must understand that. We are not trying to be small, mean or obstructive, but the minister and his government must appreciate and understand why we feel so strongly about this.

Second, as to leaving out any dual award system, in any examination of the Weiler report, the government's white paper or the committee report, anyone with any kind of open mind or any sense of trying to understand what we are all about, what we are dealing with and what we are trying to come to grips with, would have recognized that the very centre of everything we have done, the very focus of our attention and the source of what we are trying to get at, was some kind of dual award system.

The one thing we recognized was that the injured workers who have had so many problems in the past and who have not had their needs addressed were those who are permanently but partially disabled. If an injured worker is totally disabled, to a large extent we have begun to start to meet his needs. If an injured worker has a relatively minor accident, we have been able to meet his needs.

However, the one whose needs we have not been able to meet, and whose needs we continue not to be able to meet under legislation, is the injured worker who is permanently but partially disabled, the one who is said to be 15, 20 or 30



per cent disabled, whatever the figure is. They are the ones who more than any others have been unjustly treated under this system. They are the ones who have a right to cry for vengeance. They are the ones who have a right to demand some sense of redress, justice and fairness. The dual award system spoke to those people.

Each of them did not necessarily agree with the formulas of Weiler, the government or the committee. There were many objections. I can appreciate that, but the fact remains that they all agreed some kind of dual award system had to be put in place; it could not continue to be delayed. They could not accept, and were not prepared to accept, the government saying, "We have to study it further." As my colleagues from both opposition parties have already said more eloquently than I, it has already been studied too long and they have suffered too long.

A dual award system speaks to the two elements of the problem when people have been physically and psychologically injured. They have been damaged, they sense that damage and there must be some redress in our society for that damage. That is the first element of a dual award system. The other is, because they are both permanently and partially disabled, the majority of them, or at least a very large number of them, have difficulty earning a living wage.

There must be a second component of some form of wage loss system. I am quite prepared to debate its form. I accept the premise that many people disagree with some of the formulas that have been suggested. I am prepared to debate that, as my colleagues are prepared to debate it, but we are not prepared to debate the principle. The principle itself must become sacred. The principle must be accepted in law, in fairness and in justice. Whenever the government brings in a piece of legislation that does not include that principle in some form, we cannot support it.

We have had a clinical rating system for far too long in this jurisdiction, or, as it is vulgarly explained sometimes, a meat chart system, that has been totally unacceptable. I can recall in committee the minister himself saying, "It is not just, it is not fair and it must be changed." A good two years ago there was a clear expression stated of finding some other way. That other way does not necessarily have to exclude some form of clinical rating.

As a matter of fact, most of the people who appeared before our committee, including representatives of injured workers, accepted the premise that we would probably have to continue to have some form of clinical rating, but it would

have to be more humane and more understanding of the needs of human beings. We were not dealing with robots or machines. We were dealing with human beings who had feelings and backgrounds, who had bodies that had been maimed in one way or another. Somehow we had to come up with a fairer, more just clinical rating of how they had been affected, how they had been injured.

A number of proposals were made. For example, I remember—I think I am quoting the jurisdiction correctly, although I am going from memory—reference was made to the state of New York. A doctor appeared before our panel. I cannot remember whether he was a doctor from the ministry itself. He indicated to us that state had a better system than we had and it was well worth looking into. It could very well be adapted to Ontario. I do not know to what extent that was the case, but there is nothing in this legislation that lets us deal with it, and deal with it we must. We cannot continue the way we are now. The present clinical rating system is unfair and inhumane.

**10 p.m.**

We have known for a long time that there are two things workers in this province want, demand and require. The first is not to be injured at all. We have a responsibility as legislators, and industrialists and workers have a responsibility to do everything possible within their power to prevent accidents. That is number one.

The second is, if by accident an injury does occur, workers in this province want the right to be able to return to earning their own living. They want the right to be restored to the personal dignity of being able to support themselves and their families. That speaks to a much better rehabilitation system than we have now. I do not see anything in this legislation that refers to that, yet it is fundamental. How can we support a piece of legislation when something so fundamental is not even referred to in it?

We know there are some employers in Ontario who discriminate against injured workers coming back even into their own places of work. We spent quite a bit of time on this as part of our committee hearings, and we have said there has to be a responsibility. In a no-fault system such as we have in Ontario, there must be a responsibility or onus on employers to take injured workers back to their place of work and, if necessary, to provide some additional training as the job changes.

Finally, there is the total absence of any reference to indexing annual increases. We have



said over and over again that as the annual or average industrial wage changes in Ontario, as the general spectrum of workers in this province gains from that increase in the average industrial wage, so must injured workers who would have benefited from it had they been in the work place, and they are not in the work place through no fault of their own. This is a no-fault system; therefore, we have to build into our program and legislation a form of indexing that recognizes changes in the average industrial wage. That has not been done.

I have tried to indicate to the minister what we recognize as the benefits in his legislation. I have also tried to suggest to him the glaring, fundamental weaknesses and omissions in this legislation that lead us to say we cannot support it.

**Mr. Laughren:** Mr. Speaker, I want to commend the previous speakers in this debate for their contributions. They have said some wise things. In particular, I would like to pay tribute to my colleague the member for Dovercourt. I personally believe there is no one in Ontario who has been more closely attached, not just in this Legislative Assembly but before he got here, to the cause of injured workers in Ontario. I know I will embarrass him by saying that, but I do not care. He has done a good job.

When I saw this bill, I was very surprised because I had heard we were going to get a massive piece of legislation, a very thick document that would weigh us down and that we would have great difficulty getting through. Members can imagine my surprise when what we got was this rather thin excuse for legislative reform.

The title of Weiler's report is Reshaping Workers' Compensation for Ontario, yet we get this piece of legislation. There really was a great deal of promise and rhetoric in the last couple of years about reforming workers' compensation in the province. There has been a lot of effort by members of this assembly.

I sat on the standing committee on resources development, and members of the committee from all three parties worked very hard on our standing committee report. I feel cheated by the legislation that supposedly flowed from the work of that committee. I think of the effort put into appearances before the committee by injured workers' groups and by employers.

Everybody worked hard to reshape workers' compensation in Ontario; however, we do not have a reshaped workers' compensation system with this legislation. It is a diluted version not

only of the standing committee's report and of the government's own white paper but also even of the Weiler report.

I look at this bill and I am very disappointed. I look at what is not in this bill. There is no lump sum for permanent partial disability. Quite simply, if I can translate it, that means we still live under the meat chart in Ontario. That is what it means.

If there has been one thing that has been a red flag to injured workers in the province, it has been that meat chart, because that meat chart is an arbitrary decision on what that injured worker's income will be regardless of whether he has a job. That is what the meat chart has represented all these years. The minister knows that is a reprehensible part of the workers' compensation system but he chose not to change it. I do not know why he chose not to change it, because there were certainly options for doing that.

We still do not have indexing for permanent disability pensions. I find that outrageous. There is no guaranteed access to vocational rehabilitation, and there is no right to the old job back for an injured worker.

I admit there are some improvements in this bill. The new provisions for survivor benefits are the biggest improvement in the bill and long overdue. If ever a government was moved not by compassion but by guilt, it was to make this change in the legislation. I do not know how this government ever lived with itself with the previous level of survivor benefits under the Workers' Compensation Act.

When I look at Bill 99, the bill that was supposed to precede this one and that increases benefits as of July 1, 1984, and I look at the increases in survivor benefits, I think to myself, "How can the government bring in Bill 99," which we will be debating tomorrow, "which increases the level of survivor benefits on July 1 to a still disgraceful level, and at the same time have this bill in front of it which raises them up to a more decent level?" I do not understand how they can do it. It is beyond my comprehension. I do not know what went through the minister's head when he was doing that.

I see nothing in this bill that is going to do anything about the problems of the injured workers who appear in front of the Legislative Building every year. I do not know what it is going to do about that. It cannot continue to ignore those people. That is where a lot of the anger resides at the present time, and justly so.



I tried to talk about the benefits. I see a more independent board because of this. That is a benefit. I see a more independent appeals tribunal. I see that as being a benefit. I see the establishment of the industrial disease standards panel. I see that as a benefit.

I wonder whether at any point when he was considering that industrial disease standards panel, those rotten, disgusting television commercials on the dangers of asbestos flashed through the minister's mind. I do not think I have ever seen anything that turned my stomach like those asbestos advertisements that are currently on television. That the minister allows them to continue says a great deal about where his head is at. That is an absolute disgrace, and he should take those off and not allow them to be shown.

I see the workers' advisers. That is a plus. I would not have wanted them associated with the Minister of Labour, but at least it is a plus.

We applaud the inclusion of domestics under this act as well.

**10:10 p.m.**

Despite some of those improvements, we simply must vote against this bill because it is not enough. I believe this bill is mean in spirit, because it takes away from some workers to give other workers some improvements. Of all the groups in society out there, if the government wants to take away from some to give to another, why must it take away from injured workers to give to other injured workers? What is the government's justification for that? Robin Hood had a reason for what he was doing, but this government is taking away from the poor to give to the poor. What kind of nonsense is that?

I am not dragging that out of the air when I look at the 90 per cent versus 75 per cent the government is taking away from some injured workers to give to other injured workers. In some cases it is being taken away from themselves, such as the Canada pension plan offset. That is what it is doing. I do not know how it can select a group of people in society and say, "These injured workers are now going to have to offset the Canada pension plan benefits."

If there is any group in society that can be least accused of getting more out of the system than it puts into it, it is injured workers in Ontario.

The government seems to think that because an injured worker is not working, some kind of financial penalty therefore has to be attached. That is what it seems to believe. Otherwise, why would it take away from them on the 90 per cent versus 75 per cent? Otherwise, why would it say the Canada pension plan must offset the benefits

from the Workers' Compensation Board? I do not know how the government can come to that conclusion.

I should know better. I remember when the member for York East (Mr. Elgie) was the Minister of Labour. He did not like it when I said it, but if there is any one piece of legislation in Ontario that indicates bias against workers it is the Workers' Compensation Act. More than any other act I can think of, this is what separates the government from the working people of Ontario.

I think of the ceiling. Talk about paying a penalty! If the government does not believe that what this act does is penalize people for getting injured, it should look at the ceiling. How does the government justify penalizing someone financially because he is injured on the job?

If the government does not believe that, why does it have a ceiling? If people are on bonus, if they are on high steel or if they are bonus miners and get injured on the job, they are penalized because of this ceiling, which is absolutely arbitrary and mean in spirit. How does the government justify that?

I have never had a minister of the crown justify penalizing workers because they get injured on the job. Some day the government should have to answer for that. It never has so far. It never has had to answer to that. I only hope that some day it will have to.

The problems of workers' compensation in the province remain the same even with this bill. It remains an adversarial system. The onus is still on the workers to prove, for ever, the condition they are in. It is an impossible situation for workers with a partial disability.

I want to give an example of a worker I went to the Sudbury Workers' Compensation Board office with last Friday because I was so angry. By and large, we have good people in the Sudbury office of the Workers' Compensation Board. This worker is probably in his late 40s. He has a 15 per cent residual disability with his back. He was on permanent disability temporarily as of last fall. In June 1984 they told him his level of disability had reached its 15 per cent level. They told him they were taking him off temporary benefits and he would be back to his 15 per cent level of disability.

He said to his doctor, "Can I have a back-to-work slip?" The doctor said: "You can go back to work but not on full duty. You can only go back on partial disability. We cannot send you back for full duty. You must go back on light duty." The company said: "We have



nothing for you. There is no light-duty work available."

This man with 15 per cent income, three children in a post-secondary institution and 25 years at Inco must now somehow exist on a 15 per cent disability pension. How does the minister advise this person to pay his bills and send his children to university on a 15 per cent income? The company told him it had no light duty and the Workers' Compensation Board said it was paying him up to his level of disability.

As long as the minister has that system in place, he deserves every brick that is thrown at him because he has not taken seriously the problems of injured workers. All those crocodile tears stand for nothing. He has the power to put in place legislation that would compensate that person fairly for his loss of income, but he will not do it. He had an opportunity, but he chose not to do it.

As long as he is putting in place the kind of legislation that discriminates blatantly against those people who least deserve to be discriminated against, then he does not deserve the support and respect of this side of the House.

The day has come when this government is going to have to realize that only three basic things are required of a compensation system. One is accident prevention, two is income maintenance and three is rehabilitation. We ask for nothing more; the injured workers ask for nothing more. Is it beyond the minister's wit to provide that? It is provided in other jurisdictions, but he cannot provide it. Ontario is one of the wealthiest jurisdictions in the western world and he cannot provide those three basic, very simple principles to the injured workers of Ontario.

He can cry poor all he likes and he can cater to the whims of the employers' council; that really shows his true colours. When this bill was being prepared, guess who the minister discussed it with? Did he discuss it with the injured workers of the province? No. Did he discuss it with the labour movement in Ontario?

**Some hon. members:** No.

**Mr. Laughren:** Did he discuss it with the employers of Ontario?

**Some hon. members:** Yes.

**Mr. Laughren:** Yes, he did, but not with the injured workers in Ontario. As long as there is that attitude on the part of the Minister of Labour there should be and will be no trust on the part of injured workers in Ontario.

We simply cannot support this legislation in its present form. It is going out to committee. We will be debating it over the summer and I suppose

into September. What disappoints me the most is that here was an opportunity to reshape the compensation system in Ontario and the minister chose not to do it.

For him to throw into his introductory statement the fact that this is a phased program is a lot of nonsense. Does he expect us to swallow that? I could use stronger language than that. If ever I have heard of simple stalling, that is it. He can say they are phasing it, and then every time anyone criticizes him he can say: "Here is my statement. I told you we are phasing it."

There have been 40 years of phasing and the injured workers are justly angry. I do not know how he has got away with it as long as he has. I have said before, and I will repeat it, as an elected member of this assembly I am through with trying to cool down injured workers who are angry at the Workers' Compensation Board. For years I have said to them: "Cool down. We will see if we can get your benefits. We will see if we can get you a decent answer."

When I deal with the injured worker I dealt with last Friday and I hear the board saying, "No, you can get by on 15 per cent; we are not having anything to do with you," then I am not going to cool down that worker any more. That is the minister's responsibility and he should live with the consequences.

**Ms. Copps:** I have a quick point of order, Mr. Speaker. To reiterate what has been said by my colleague:

[Remarks in Italian]

**Mr. Shymko:** [Remarks in Italian]

**10:20 p.m.**

**Hon. Mr. Ramsay:** Mr. Speaker, I would like to make a few brief comments. I will attempt to answer the various points that were raised by the honourable members opposite in answer to my opening statement.

I want to commend the member for Windsor-Sandwich, the member for Dovercourt, the member for Kitchener-Wilmot (Mr. Sweeney) and the member for Nickel Belt for what I consider to be fine presentations this evening. They left no doubt about where they stood as far as the amendments to the Workers' Compensation Act are concerned. I respect those views.

I want to make two or three comments. At one point, the member for Dovercourt said the injured workers were saying, "Give us Weiler or give us nothing." That was not the message I was hearing. That was not what I was reading on the placards outside this Legislature. That was not



the message I was getting when I met with them on numerous occasions.

They were indicating they did not want what Professor Weiler had proposed and particularly did not want it at this time. That was the message I was getting and the message that was on the petition they handed to me that was almost a mile long.

The member for Kitchener-Wilmot has correctly pointed out there were objections to the dual award and we were not able to come up with a satisfactory resolution. Rather than holding everything else up, we decided to do it on a phased basis.

I also want to comment for a moment on the remarks of the member for Windsor-Sandwich, because I agreed with him completely when he said accident prevention and safety in the work place are the most important part of workers' compensation. I totally agree, but I must leave him behind when he makes claims that our record in Ontario does not stand up in comparison to other jurisdictions.

Coincidentally, just last week a slide presentation was made to me by Dr. Nethercott. It was about a report he was going to submit the next day to the district health council. I asked him for the hard copy. I do not have it here today but I will bring it to committee. It shows that Ontario stands remarkably well in comparison with other jurisdictions on its frequency of accidents and safety in the work place. I was amazed by the figures I saw in that slide.

I cannot stand here tonight and let the reputation of the Workers' Compensation Board be destroyed in the manner in which some honourable members have attempted to destroy it. The reputation of the Workers' Compensation Board in the jurisdictions across Canada and the United States is very high indeed. With respect, I would suggest to the members that when we had New Democratic Party governments in Saskatchewan and British Columbia, there were no changes similar to the changes being made here. I have not seen any changes in Manitoba similar to those being made here. The present Workers' Compensation Act is superior to the acts in Saskatchewan, Manitoba and British Columbia.

There are two points I want to make. The member for Dovercourt stated the injured workers have to come here every year to demonstrate on the steps in order to—

**Mr. Lupusella:** Mr. Speaker, on a point of order: The minister should be aware the injured workers of Manitoba are not demonstrating on a yearly basis.

**Hon. Mr. Ramsay:** That is exactly the point to which I was attempting to come. The member for Dovercourt stated the injured workers have to come here every year in order to get the increases, that they have to demonstrate on the lawn and the streets outside in order to do so. That has simply not been the case. Each year since I have been minister, I have in the Legislature committed myself to an increase in months before the date of July 1.

There is one final point. It was suggested by the member for Nickel Belt that I discussed the proposed legislation with the Employers' Council on Workers' Compensation but did not do likewise with the injured workers' groups. That is simply incorrect.

**Mr. Laughren:** No, it is not.

**Hon. Mr. Ramsay:** It is incorrect. I discussed with the injured workers to a considerable degree what we were thinking of proposing in the suggested legislation and I discussed it in the very same manner with the employers' council. I did not run by all the suggestions to the employers' council—

**Mr. Laughren:** Nonsense. That is not true.

**Mr. Speaker:** Order.

**Hon. Mr. Ramsay:**—any more than I did with the injured workers. I want to make that point abundantly clear.

Those are the points I would like to make.

The House divided on Hon. Mr. Ramsay's motion, which was agreed to on the following vote:

#### Ayes

Andrewes, Ashe, Baetz, Barlow, Bennet, Bernier, Brandt, Cousens, Cureatz, Dean, Dre, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Henderson, Hennessy, Hodgson, Johnson, J. M., Jones, Kells, Kennedy, Kerr, Kolyn, Lane, MacQuarrie, McCaffrey, McCague, McEwen, McLean, McMurtry, Mitchell;

Norton, Piché, Pollock, Ramsay, Robinson, Rotenberg, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Timbrell, Treleave, Villeneuve, Walker, Watson, Wells, William Wiseman, Yakabuski.

#### Nays

Allen, Boudria, Bradley, Breaugh, Bryden, Charlton, Conway, Cooke, Copps, Di Santo, Edighoffer, Elston, Epp, Foulds, Grande, Johnston, R. F., Kerrio, Laughren, Lupusella



Mackenzie, Martel, McClellan, McGuigan, McKessock, Miller, G. I., Newman, Nixon, O'Neil, Philip, Reid, T. P., Renwick, Riddell, Roy, Ruston, Samis, Stokes, Swart, Sweeney, Van Horne, Wildman, Worton, Wrye.

Ayes 61; nays 42.

Bill ordered for standing committee on resources development.

## BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, I would like to indicate the business for tomorrow afternoon. We will begin after routine proceedings by dealing with the adjourned debate on second reading of Bill 77. After that, we will do second reading and committee of the whole on Bill 99. It has been agreed that we will hold all the votes at 5:45 p.m.

The House adjourned at 10:45 p.m.

## CONTENTS

**Tuesday, June 19, 1984**

### Second readings

**Workers' Compensation Amendment Act**, Bill 101, Mr. Ramsay, Mr. Wrye, Mr. Lupusella, Mr. Sweeney, Mr. Laughren, agreed to . . . . . 2629

### Other business

**Business of the House**, Mr. Wells . . . . . 2651  
**Adjournment** . . . . . 2651

## SPEAKERS IN THIS ISSUE

Copps, S. M. (Hamilton Centre L)  
 Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
 Laughren, F. (Nickel Belt NDP)  
 Lupusella, A. (Dovercourt NDP)  
 Martel, E. W. (Sudbury East NDP)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Philip, E. T. (Etobicoke NDP)  
 Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
 Riddell, J. K. (Huron-Middlesex L)  
 Robinson, A. M., Acting Speaker (Scarborough-Ellesmere PC)  
 Shymko, Y. R. (High Park-Swansea PC)  
 Stokes, J. E. (Lake Nipigon NDP)  
 Sweeney, J. (Kitchener-Wilmot L)  
 Turner, Hon. J. M., Speaker (Peterborough PC)  
 Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
 Wrye, W. M. (Windsor-Sandwich L)













# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**  
Wednesday, June 20, 1984

Speaker: Honourable John M. Turner  
Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, June 20, 1984

The House met at 2 p.m.

Prayers.

## TRIBUTE TO SWIMMERS

**Mr. Foulds:** Mr. Speaker, on a point of order: I would like to rise to pay tribute to two of Ontario's outstanding athletes, swimmers Victor Davis from Guelph and Alex Baumann from Sudbury, Ontario. In the past week, these two swimmers have cut through the water faster than the Ontario Provincial Police cruiser taking the Premier (Mr. Davis) across the Detroit River.

Last night Victor Davis broke his own world record in the 200-metre breast stroke. Similarly, his good friend and rival Alex Baumann set a world record for the 400-metre individual medley by chopping two seconds off the previous record set by an East German swimmer. These are both outstanding achievements, and both these athletes deserve recognition by this Legislature.

Alex Baumann has swum with constant pain for the last several years. In fact, he dropped out of swimming for a year. When it was determined that swimming would not actually harm his shoulder, although it is constantly painful, he resumed his career with outstanding results.

Similarly, Victor Davis for the past year has had to overcome a serious bout of mononucleosis and has been battling sciatica, so much so that six weeks ago he could barely walk. Last night he beat that sciatica and set a world record.

The success of these two young men symbolizes the strength of Canada's swim team. There are many other Canadian and Ontario swimmers, both men and women, such as Jane Kerr, Mike West and Reena Abdo, who are putting in outstanding performances this week at the Olympic trials in Etobicoke by setting Commonwealth and Canadian records and personal best times.

No other sport demands the discipline, the training time and the dedication that swimming does. The success of Alex Baumann and Victor Davis, the fast and the furious of Canadian swimming, speaks well for Canada's chances at the Olympics this summer. I might add that their record-setting performances prove their medals will not be debased by the unfortunate boycott.

A special word of tribute should go to their respective coaches, Cliff Barry of the Region of Waterloo Swim Club and Dr. Jenő Tihanyi of Laurentian University Swim Club. I am sure all members would like to join me in paying tribute to these two outstanding athletes in particular and to wish them and all their teammates well in their pursuit of gold this summer at Los Angeles.

**Mr. O'Neil:** Let us adjourn the House until we have some ministers here. This is ridiculous.

**Mr. T. P. Reid:** Mr. Speaker, I have a point of order. Before I get into that, I cannot help but wonder why the government would schedule the event it has, important as it is, at two o'clock when the House should be in session.

**Hon. Mr. Norton:** The House does not normally sit on Wednesdays.

Interjections.

**Mr. Speaker:** Order. The member for Rainy River on a point of order.

## CORRECTION OF RECORD

**Mr. T. P. Reid:** Mr. Speaker, I had a point I wanted to make in terms of Hansard; a mistake, unfortunately, in Hansard on page 1308, May 8, 1984.

In a question to the Minister of Natural Resources (Mr. Pope), it shows up in Hansard on page 1308 as, "Newsprint prices are still what they were in the spring of 1981. Studs are \$2.49 per thousand; they were \$3.11 per thousand one year ago."

Those figures should be \$249 per thousand and \$311 per thousand. That was not my mistake, I might add.

Mr. Speaker, in view of the fact that very few members are in the House, particularly on the government side, where most of those on the Treasury benches are gone—I would like to say all the heavyweights are out, but looking across, I see they are not—I think at this point we should adjourn the House until the government can bring in some of its members.

## ATTENDANCE OF MEMBERS

**Mr. Ruston:** Mr. Speaker, I have a clarification and a point of privilege of my own. I wish to

raise with you and the House once again the abuse of the privileges of myself and other members of this caucus by the member for Windsor-Riverside (Mr. Cooke) in his remarks in this Legislature on June 5, 1984, and partly addressed by the member on June 12, 1984.

When a member of this Legislature puts information on the record as to another member's voting record and is then informed that such information is incorrect, according to the recording in Votes and Proceedings, I believe it is imperative that the member should stand in his place and ask that the record be corrected.

The member for Windsor-Riverside has failed to do this. Unless the member corrects the record, which is what I am sure any honourable member would want to do, I will have no alternative but to put a motion before this House to have the member censured.

**Mr. Speaker:** My recollection of this incident, subject to correction, was that there were two statements attributed to the member. He did rise and withdraw one and then he said he would take the other under consideration.

**Mr. Renwick:** I think he said he would do the second one seven years from now.

**Mr. Speaker:** No, he did not say that at all. However, he is not in the House today.

**Mr. Kerrio:** We cannot even trust him to do that.

**Mr. Wrye:** He did not even withdraw the first one correctly.

**Mr. Speaker:** Order. I have no doubt it will be drawn to his attention.

Did the member for Essex North have another point? If not, the member for Quinte.

**Mr. O'Neil:** Mr. Speaker, could we not have a motion to adjourn the House until some of the government members are in?

Interjections.

2:10 p.m.

#### ANNUAL REPORT, OFFICE OF THE OMBUDSMAN

**Mr. Speaker:** I rise at my peril and I beg to inform the House that today I have laid upon the table the annual report of the Ombudsman of Ontario for 1983-84.

Statements by the ministry.

#### ADJOURNMENT OF HOUSE

**Mr. Rae:** Mr. Speaker, on a point of order: Whoever is responsible on the government side should know that in the normal course of events in the morning we ask which ministers will be

present and which will be away. We have been working on that assumption and understanding for a substantial period of time. It was our clear understanding that there were a number of ministers who were going to be here but who do not appear to be here.

I have no objection, but we would like to be attending the event downstairs. I would like to be able to participate in celebrating the people there. Why do we not break for half an hour and when the event is over downstairs, we can all come back and start asking questions properly?

**Hon. Mr. Eaton:** Mr. Speaker, speaking to that, the ministers will be up for question period. We have some statements to be made on this side and they will proceed in the normal order of business. The ministers will be here by the time the members are ready to ask questions.

**Mr. Breaugh:** Mr. Speaker, the minister has made an interesting comment. He is quite right. In about half or three quarters of an hour when the celebration downstairs is over, the ministers will arrive back up and will ask the members of this Legislature for unanimous consent to revert to statements, and I have to tell them they will not get that today.

**Hon. Mr. Eaton:** They are here.

**Mr. Nixon:** They have been called for. He called statements and there was a lengthy, pregnant pause.

**Hon. Mr. Eaton:** There was a pause because one of the members from that side—

**Mr. R. F. Johnston:** I sense disorder.

**Mr. Speaker:** Not quite.

**Mr. Epp:** Mr. Speaker, this Legislature traditionally sits on Monday, Tuesday, Thursday and Friday. We are sitting on Wednesday this week because we are trying to get the business of the House completed as quickly as possible. Today, the government very much insulted this Legislature by taking most of its members downstairs for another session which happened to start about the same time as this House was going to start, at two o'clock.

That is an insult to this Legislature, and you, as the person in the chair, should have us recess for about half an hour, so we will come back when the front-benchers of the government are ready to come back and answer some questions. In the meantime, they are not very interested in doing the business of the House, otherwise they would be here. We cannot ask questions of those people we want because they are not here to answer.

**Hon. Mr. Eaton:** Mr. Speaker, I would like to speak to that point of order.



**Mr. O'Neil:** Why did you schedule it for today?

**Hon. Mr. Eaton:** The ceremony that is taking place downstairs was planned some months ago. The ministers are arriving. As yet, not one of the orders of business has been interrupted by their not being here. Statements are next, and we have two ministers to make statements.

**Mr. Renwick:** Statements are over. They have been called.

**Mr. Foulds:** Mr. Speaker, as the Premier (Mr. Davis) did not deign to give his ministerial statement to the Legislature but is instead going to be giving it downstairs in the Legislative Building, surely it makes sense simply for you to adjourn the House so all of us can go down and hear the Premier's statement in the lobby of this Legislature.

**Mr. Renwick:** Mr. Speaker, the acting government House leader indicated that statements were the next order of business. Statements have already been called and an intervening item took place when the Speaker tabled the Ombudsman's report. It would require the unanimous consent of this House to revert to statements.

**Hon. Mr. Eaton:** With all due respect, somebody was standing in front of the minister.

**Mr. Speaker:** Order. If I may refresh the honourable member's mind, I did table the report from the Ombudsman and then I called for statements. Somebody then rose on a point of order and I recognized it. I am still calling for statements and the Minister of Northern Affairs (Mr. Bernier) has indicated he has a statement. Would he rise and give that statement.

## STATEMENTS BY THE MINISTRY

### REGIONAL ECONOMIC DEVELOPMENT PROGRAM

**Hon. Mr. Bernier:** Mr. Speaker, copies of this statement have been delivered to my critics, the member for London North (Mr. Van Horne) and the member for Lake Nipigon (Mr. Stokes).

The statement will be of interest to all the people of northern Ontario. I hope people from southern Ontario will show an equal interest, concern and compassion. It is a very important statement that will reflect on the economy of northern Ontario for years to come.

In the recent budget brought down by my colleague the Treasurer (Mr. Grossman), he mentioned a new three-year, \$10-million economic development program for northern Ontario. It is my pleasure today to announce details of that

program to the members and the northern Ontario public.

The northern Ontario regional economic development program, or Nordev as it will be known, will reach into the heart of the northern Ontario small- and medium-sized business sector to provide incentive funding for a variety of economic activities. The Ministry of Northern Affairs will be making funds available in four different programs.

First and foremost is an employment incentive program. This program is intended to offer assistance to establish, expand or modernize small business operations to promote economic development in northern Ontario. Assistance for this program will be in the form of interest-free forgivable performance demand loans up to a maximum of \$100,000.

Second is the industrial infrastructure program, the purpose of which is to assist in removing specific physical restraints to the development of identified small-scale private sector projects. Assistance may include mapping, power and water supply, waste disposal, access and other public services. Under this program, funding for the private sector will also take the form of interest-free forgivable loans up to a maximum of \$100,000. Projects in the public sector will be in the form of grants not to exceed \$200,000.

The third program is in the area of resource diversification and development. This program is intended to encourage the undertaking of investment and pre-investment studies, and demonstration projects for small-scale commercial activities with identified potential that will expand or diversify the use of natural resources. Assistance will be in the form of financial contributions of up to 75 per cent of the approved project cost, to a maximum of \$75,000.

The fourth program is tourism development and is really two programs in one. This program will provide assistance for feasibility and planning studies to stimulate investment in the development or expansion of tourism projects of potentially regional significance.

Furthermore, it is designed to assist tourist operators to develop or expand their market programs, to create additional employment opportunities and to stimulate related economic activities. For the tourist operator undertaking marketing studies, grant contributions will be available up to a maximum of \$50,000.

We know that well over half of all the new jobs created in Canada each year are in the small- and medium-sized business sector, in companies



employing fewer than 20 people. That sector also happens to represent the area of greatest opportunity for economic development and diversification in northern Ontario. That is why we are announcing this program today.

The Nordev program continues the most successful elements of the federal-provincial northern Ontario rural development agreement that has now expired. Nordev and AgriNorth, the companion program for northern agriculture, which I and my colleague the Minister of Agriculture and Food (Mr. Timbrell) announced two weeks ago in Dryden, will put \$20 million into the northern Ontario economy over the next few years.

**Mr. T. P. Reid:** You put \$45 million into Minaki—

**Hon. Mr. Bernier:** That is right.

**Mr. T. P. Reid:** —and you are putting \$20 million into the whole of northern Ontario. You ought to be ashamed of yourself.

**Hon. Mr. Bernier:** It was \$20 million into Minaki. The member knows that is correct. He does not know what he is talking about. It was \$20 million.

**Mr. T. P. Reid:** How much? Only \$43 million?

**Hon. Mr. Bernier:** The member's brother supported it 100 per cent. He supported Minaki right to the hilt and the member knows it. The member's brother supported it, as did all the other people in northern Ontario. The member is the only one. It is just for his political gain. That is all he is doing.

**Mr. Foulds:** What would you expect? He is a Liberal.

Interjections.

2:20 p.m.

**Hon. Mr. Bernier:** You should remember what happened to Stephen Lewis. It is going to happen to you too. Do not take your leader up there because it will happen to him as it happened to Stephen Lewis. You know it.

**Mr. Speaker:** I presume you do have a statement.

**Hon. Mr. Bernier:** Where was I, Mr. Speaker?

We are assisting the adjustment of the northern economy from one based solely on primary resources to one that is more diversified and more broadly based.

The brochures and application forms are now being prepared and will be available in approximately two weeks at all Ministry of Northern

Affairs offices as well as at Ministry of Tourism and Recreation, Northern Ontario Development Corp. and Ministry of Natural Resources offices all of which are co-operating in the administration of this program.

I know there is enthusiasm on all sides of the House for this very exciting program for northern Ontario.

**Mr. R. F. Johnston:** Mr. Speaker, on a point of order: I am sure all members of the House would want to join me in recognizing a true servant of northern Ontario who is sitting today in the public gallery because it is easier to be recognized there, the member for Nickel Belt (Mr. Laughren).

#### SPRAY PROGRAM

**Mr. T. P. Reid:** Mr. Speaker, I stand on a point of order and a point of explanation. Before we get to that, the Minister of Northern Affairs (Mr. Bernier) spilled \$20 million more around Minaki than he is spending on these new programs.

**Mr. Speaker:** Order.

**Hon. Mr. Bernier:** On a point of order, Mr. Speaker.

**Mr. T. P. Reid:** I think I have the floor, Mr. Speaker.

**Mr. Speaker:** Order, please.

**Hon. Mr. Walker:** It is a point of order.

**Mr. Speaker:** We are listening to a point of order being developed by the member for Rainy River.

**Mr. T. P. Reid:** Mr. Speaker, in the House on June 13, 1984, I asked the Minister of Natural Resources (Mr. Pope), who seems to be avoiding the Legislature these days, about the spraying program for spruce budworm in northwestern Ontario, which I am sure will be of concern to my friend the Minister of Northern Affairs.

At that time the minister replied to me: "I feel there was no indication of the value of timber that was at imminent risk. A spray program had not been conducted in the area since 1968. There was no detailed information on what other values were to be protected," and he went on.

My point is that I cannot say in this House that the minister has misled the House; that is not allowed.

**Mr. Speaker:** Right.

**Mr. T. P. Reid:** But unless he was ignorant or incompetent, the minister had to know that in 1982 a joint production of his ministry and Environment Canada entitled *The Spruce Budworm Problem in Ontario: Real or Imaginary*



was printed. He had to know that the Canadian Forestry Service in 1982 had a very full report that indicated that spruce budworm was on the rise in northwestern Ontario.

He has to know that he has had correspondence from one of the pulp and paper companies in the area, which says in a letter written on May 23, 1984:

"The consequences of cancelling the program include:

"1. Loss of timber close to Thunder Bay mills; the area proposed for spraying contains approximately 100,000 cunits of susceptible species;

"2. Increasing operating costs as the volume per acre is reduced or eliminated;

"3. Secondary infestation by other insects, especially the sawyer beetles, which will attack pine as well as spruce and balsam fir;

"4. An increased fire hazard from dead and dying trees, which will threaten unaffected timber as well as the population of the cottage area on Shebandowan Lake"—

**Mr. Speaker:** Order.

**Mr. T. P. Reid:**—where there was a fire two weeks ago, Mr. Speaker.

**Mr. Speaker:** All right. Thank you.

**Mr. T. P. Reid:** I am sorry, I was not finished.

**Mr. Speaker:** I think you were.

#### WINTARIO CAPITAL GRANTS PROGRAM

**Hon. Mr. Baetz:** Mr. Speaker, I am pleased to announce today a further extension of the Wintario capital grants program for recreational, sports and fitness facilities.

Interjections.

**Hon. Mr. Baetz:** There is good news for everybody here; if members will just listen, there may be some good news for them.

**Mr. Rae:** Is that pork I smell, Mr. Speaker?

**Mr. Speaker:** Order.

**Mr. Foulds:** Mr. Speaker, our critic does not yet have a copy of the statement.

**Hon. Mr. Baetz:** Mr. Speaker, as all members of the House appreciate, the Wintario capital grants program since its inception in 1975 has provided a vital stimulus to the development of Ontario's recreational and sports facilities and programs.

Virtually every community, large and small, urban and rural, has been a recipient of Wintario capital grants. Smaller centres, and those in more remote areas with a limited tax base, have found the Wintario capital grants program especially valuable.

Almost \$350 million in Wintario capital funds has been expended. Because of the matching formula, it is estimated that about \$1 billion has been generated, resulting in the people of Ontario enjoying one of the finest constellations of community recreational and sports facilities in the world.

The Ministry of Tourism and Recreation is currently disbursing funds amounting to \$15 million, which will meet all prior commitments to municipalities and community groups. We are therefore in a position to undertake new commitments.

In response to current applications filed in the latest round of the program, I am pleased to announce that the ministry will allocate an additional \$25 million in new money to approximately 300 projects. Once again, these projects cover every region of the province and, I am sure, will be welcomed by the community and all members of this House.

The tremendous volume of applications and their high calibre have made our funding decisions very difficult. We are gratified, however, that we have been able to approve the vast majority of applications now on file. Letters of approval will be going out to all applicants within the next 48 hours. All members will find copies of those approvals in their mailboxes this afternoon.

With respect to all members of the House, it is indeed true that "With Wintario we all win!"—and so do our constituent communities across the province.

**Mr. O'Neil:** Mr. Speaker, on a point of personal privilege: The members may recall that last year there was quite a kerfuffle in this House between the minister and myself as to the announcement of these grants.

We have had several grants that have been pending from the riding of Quinte. The minister says the notification on these grants will be going out within 48 hours. Can the minister clarify for me whether he has made any of these announcements or has given out any of this information to any parties prior to today's announcement? I believe as a—

**Mr. Speaker:** Order. That might better be asked during the next order of business.

**Mr. O'Neil:** Mr. Speaker, I am going to do the same as I did last year on this thing, because it is a matter pertaining to my privileges as a member. I was told today that the person the Conservatives are trying to talk into being the next Conservative candidate against me in the riding made this

announcement in the city of Trenton at noon today.

**Mr. Speaker:** Order.

**Mr. O'Neil:** I deserve and the other members deserve to know whether any other announcements—

**Mr. Speaker:** Will the honourable member please resume his seat.

**Mr. Foulds:** Mr. Speaker, on that point of order: I bring to your attention the fact that I brought to the minister's attention at least three times in this Legislature, and by correspondence several times, the requirement of a Wintario capital grant for Fourway Public School. I want an assurance from the minister that the announcement will not be going out through either a Tory candidate or another Tory member in northwestern Ontario but that either he will make the announcement or he will inform me thereof.

**Mr. Speaker:** Order.

**Mr. O'Neil:** Mr. Speaker, as I was forced to do last year, unless I receive clarification of this from the minister today, I will have to say the minister has misinformed this House by the statement he has just made.

**Mr. Speaker:** I am going to have to ask the member for Quinte to withdraw that remark.

**Mr. O'Neil:** If the minister will clarify the situation, I will be very pleased to withdraw it. I want him to give me some sort of clarification on this because, as I say, that grant was announced in Trenton today around noon hour.

**2:30 p.m.**

**Mr. Speaker:** I just want to point out that, in keeping with the standing orders, the member is making it very difficult for the Speaker. We are in ministerial statements. There is no provision to question those statements until oral question time. I ask the member to reconsider his last remark.

**Mr. O'Neil:** Mr. Speaker, might I suggest since ministerial statements are not yet completed, I will withdraw my remark at this point and hope the minister will get up and give some sort of clarification before ministerial statements are over.

**Mr. Speaker:** With all respect, there is no provision for the minister, or anybody else, during ministerial statements to address that. You might better ask the question during the next order of business.

**Mr. Wrye:** Maybe the minister would like to get up and clarify.

**Mr. Speaker:** Order.

**Mr. O'Neil:** Mr. Speaker, to clarify once again, when I heard this announcement had been made by this particular person—it was called in to me—I did call the minister's office to try to reach him about 1:30 p.m. to get clarification on this.

I have been in contact with his office on many occasions to find out about this grant, which is a large one that we are quite pleased to have approved and which a lot of people have worked on, including myself. If this has actually happened, I do not believe it should have happened that way, especially since the minister has just said the announcements will be going out within the next 48 hours.

**Mr. Speaker:** Thank you. I point out to all members that it may be a matter of courtesy rather than privilege. I suggest we carry on with ministerial statements.

**Mr. Boudria:** We will never accuse them of being courteous.

**Mr. Speaker:** Just a minute. Order. Let us keep everything within the proper sequence of business.

Interjections.

**Mr. Speaker:** Order.

**Mr. Boudria:** That should not stop him from making a further statement.

**Mr. Speaker:** Order.

## ORAL QUESTIONS

### WINTARIO CAPITAL GRANTS PROGRAM

**Mr. O'Neil:** Mr. Speaker, my question is to the Minister of Tourism and Recreation. Could he please clarify, as I asked a few minutes ago, whether he or any of the people from his ministry or from his party made certain people in my riding knowledgeable about a grant that was approved? Could he also indicate to me at the same time whether he has released any other information to any other party in this province before he announced it in the House today? I would also like to know if he has notified any members.

**Hon. Mr. Baetz:** Mr. Speaker, as I indicated in my very brief statement, the official announcements that relate to individual projects are now in the process of going out in letters. In regard to the announcement of the approval letter going to Trenton for the arena the member is so concerned about, as he has indicated, the mayor, Neil Robertson, who is very concerned about the Trenton arena and has been concerned for many months about it, was anxious to get it.



I know the member is concerned about him. Bill Cosby says, "Don't look over your shoulder because somebody may be catching up to you," and I know that is why the member is worried. The fact is that the mayor of Trenton did not get an official letter of approval and a copy of the letter will be in the member's box this afternoon. That is what I said before and I stick to that.

**Mr. O'Neil:** In a riding like mine I always have to keep an eye over my shoulder, but I intend to win the riding again. I will work very hard for it and I do hope the people in my riding will re-elect me.

Might I say that the minister is playing with words again. I would say he has misinformed the House, because—

**Mr. Speaker:** Question, please.

**Mr. O'Neil:** Either the minister has misinformed the House or he is playing with such words as—

**Some hon. members:** Question.

**Mr. O'Neil:** Okay, my question is—  
Interjections.

**Mr. Speaker:** Order. Again, you have made a suggestion that all is not well. I ask you to withdraw the remark and put your supplementary question.

**Mr. O'Neil:** Mr. Speaker, I will withdraw the remark, but I would like to rephrase it.

**Mr. Mancini:** Somebody is lying.

**Mr. Speaker:** Order.

**Mr. O'Neil:** The minister has assured us he does not play politics with Wintario; now he is playing with the words "official notice." I would like to ask the minister, did he, somebody from his ministry, some other official working for him or some party member unofficially call somebody and notify him about this? If not, how did they find out? Where did this information come from?

**Hon. Mr. Baetz:** I think the honourable member fully understands the process in the weeks and months leading up to a final decision on approval of individual projects. I and my staff talk to a lot of people who are very deeply concerned about whether a major project such as the one in Trenton is going to be successful or not. Being an eternal optimist, I sometimes convey the idea that we have to be optimistic about it. I would simply go back to my previous statement and say if the honourable member will go downstairs and look in his mailbox, he will probably find the official letter of approval that has gone to Trenton. I can say no more.

**Mr. O'Neil:** Mr. Speaker, on a point of privilege: Jeff just went down and checked the box and there is nothing in the box.

**Mr. Speaker:** Order.

**Mr. Foulds:** Mr. Speaker, as the minister knows, these decisions have been sitting on his desk and final approval has now been given. When tabling this vague statement, why could he not table the complete list of approved projects with this statement today? Why could he not do that and give the House full information? Can he tell me whether or not the Fourway Public School got its grant for \$200,000?

**Hon. Mr. Baetz:** Mr. Speaker, I deliberately did not table and have not made public a long list of more than 300 individual projects that are now being approved because I have enough respect for the members in this House on all sides that I think they should have that information in person. I do not know what the honourable member is quibbling about. The member for Fort William (Mr. Hennessy) may be at home and maybe he knows. I do not know.

**Mr. Foulds:** Maybe he knows, but how does he know?

**Mr. Speaker:** Order.

**Mr. Conway:** Mr. Speaker, mindful of the difficulties we have had with this kind of situation on previous occasions, and accepting that the minister's statement states, "Letters of approval will be going out to all applicants within the next 48 hours," and given the fact that my colleague the member for Quinte (Mr. O'Neil) has indicated that the mayor of Trenton, the putative Progressive Conservative candidate for that riding in the next general election has—

Interjections.

**Mr. Speaker:** Order.

**Mr. Conway:** —already made an announcement in the city of Trenton to the effect that this grant has been approved, I want to ask—

**Mr. R. F. Johnston:** This Reuben sandwich is getting a little high.

**Mr. Rae:** The whiff of the Reuben is beginning to come over here.

**Mr. Speaker:** Order. The member for Renfrew North.

**Mr. Conway:** —the pride of the Lutheran Church, the Rev. Dr. Baetz, whether he was telling the truth to this Legislature. Is it the truth and the whole truth on page 2 of his statement today, read here moments ago, that when he made the announcement in the House today he was telling the province for the first time,

officially or otherwise, that these funds would now flow and that we were not the second, third or fourth people in the province, in Quinte or elsewhere, to find out?

**2:40 p.m.**

**Hon. Mr. Baetz:** Mr. Speaker, I do not know how often I can repeat this, but the fact is that the official letter has gone out, and the honourable member has a copy of it. I suppose there are all kinds of conjecture about who will have a successful project and who will not have one. I can tell the House, however, that the mayor of Trenton, as the future will illustrate, was conjecturing correctly that the arena was approved. I am not playing games here about the particular nonletter to the mayor of Trenton.

**Mr. O'Neil:** On a point of privilege, Mr. Speaker: Since I may not know for 48 hours, can the minister tell me whether it has been approved?

**Mr. Speaker:** That was the final supplementary. New question.

**Mr. Foulds:** On a point of privilege, Mr. Speaker: Would the minister care to inform the House how he thinks the member for Fort William might get some information about some of these grants?

**Mr. Speaker:** Order. Maybe that could be the member's second question. Will he resume his seat.

## ENVIRONMENTAL ASSESSMENT

**Mr. Peterson:** Mr. Speaker, the Minister of the Environment will recall that a week or so ago we were discussing exemptions from the Environmental Assessment Act, particularly of the forest management agreements that have been signed.

Now there is an application by the minister's colleague the Minister of Natural Resources (Mr. Pope) for one blanket hearing under the Environmental Assessment Act with respect to those FMAs, many of which have already been exempted.

Is the minister going to allow that to happen, or is he going to use his good offices to make sure we look very carefully within the provisions of the Environmental Assessment Act to fully assess the impact of those various FMAs, environmentally and socially, on wildlife and all the other areas the minister is empowered to look after under his ministry?

**Hon. Mr. Brandt:** Mr. Speaker, as I explained to the Leader of the Opposition a week or so ago about that whole area of my ministry's

responsibilities, the decision will be made by the end of this month; so it will be made very shortly. We are reviewing a request for an extension to an existing exemption. That matter is under review.

I cannot give the honourable member a unequivocal undertaking at this time that either one or the other will happen, whether an extension to an exemption will again be given by the Ministry of Natural Resources or whether it will be brought under complete environmental assessment.

We do look at these matters very carefully. We take into account such things as the real, rather than imagined, environmental concerns that surround some of these issues. As I am sure the Leader of the Opposition is aware, I also have a review committee that looks at these types of matters and gives me its opinion with respect to the propriety of proceeding to a complete environmental assessment of a given situation.

I will certainly take all that into account before coming to a definitive decision on the matter. I will be pleased to share that at the appropriate time. I assure the member that I am as concerned as he is about the environmental impact of forest management agreements, and I will look into it in a detailed fashion at that time.

**Mr. Peterson:** The minister does not follow the advice of the committee he struck to advise him. Let us not leave any misapprehensions in this House.

Is the minister aware of a devastating report prepared by the northwest regional office of the Ministry of Environment, his own ministry, that addresses the questions he and I have been talking about today as well as a week or so ago? He says:

"It is doubtful that the class environmental assessment as written will be able to help resolve any of the issues." It goes on to list the issues and continues: "The requirements are grossly lacking because they do not contain a detailed description of the environmental effect." It goes on to say: "The use of a class environmental assessment for the purpose of carrying out forest management activities on crown land is actually the best justification we have seen for requiring individual assessment."

These are the minister's own officials condemning the approach of his colleague the Minister of Natural Resources.

Is the minister aware that the report goes on to say, "The use of class environmental assessment applies only to small-scale projects," not big scale projects, such as this one, that affect virtually all of northern Ontario? It goes on to say



further, "As presently worded, it is an embarrassment to the Ministry of the Environment." Is the minister embarrassed?

**Hon. Mr. Brandt:** No.

**Mr. Peterson:** Why is the minister not embarrassed? Why is he not following the advice of his own officials who live there, who know the area well and who know about the real impact? Why is he ignoring their advice?

**Hon. Mr. Brandt:** Quite frankly, the reason I am not embarrassed is the lack of quality of questions that come from that side of the House. However, I have to respond to the preamble by the Leader of the Opposition in which he indicated I was not taking the advice of my review committee. To use the very words he used in this House about a week ago, he indicated that even matters were brought before the committee and that in five instances I accepted the advice of the committee and in two I did not. I think that is a pretty fair batting average.

With respect to the class environmental assessments, which I believe is the question he raised in the context of that whole preamble, the class environmental assessment is specifically applicable to like situations. The Leader of the Opposition knows, from all of the statements I have made publicly and certainly from the resource material I am sure he has read, that we are reviewing the entire process to see whether we can, on the one hand, stop the ludicrous situation where the Ministry of Natural Resources cannot even put a public washroom in a park without being required to go through an entire environmental assessment, and on the other hand, look at situations where an environmental impact review and assessment is legitimate, needed and in the public interest.

We are quite prepared to take a look at something that is sensible in between. That is why this whole matter is under very active review by my ministry. Again I tell the Leader of the Opposition, we are looking at the situation very carefully.

**Mr. Stokes:** Mr. Speaker, I would like to ask the Minister of the Environment whether he recalls making a statement in connection with an inquiry that I and my colleagues made about the Obonga Lake road. When the minister was asked whether he was satisfied with that whole process, he said he did not think that all concerned were well served but a decision had already been taken and it was too late to take a different course of action.

In the light of what he has said about that, and in view of the perception in northern Ontario that

the minister exempts all these very important FMAs while subjecting something like an auditorium to an environmental assessment, will he lend some balance to the whole process and make sure he knows that any undertakings like FMAs are environmentally acceptable before the fact and not after the fact?

**Hon. Mr. Brandt:** Mr. Speaker, as a direct result of the interventions on the part of the honourable member with respect to the Obonga Lake road, I required the Minister of Natural Resources and his staff to conduct more complete and more thorough communications with the people in that area.

**Mr. Laughren:** Nonsense. They were laughing at you.

**Mr. Speaker:** Order.

**Hon. Mr. Brandt:** That was absolutely required, and a number of meetings were held with respect to an explanation for what was being done in that area on the part of the Ministry of Natural Resources. That was one of the criteria under which the exemption was granted.

I appreciate the question, because I think it was sincerely asked. However, I want to say that in a number of situations with respect to some of these FMAs, the issue singularly comes down to, not an environmental problem but the question of the allocation of timber cutting rights. That is not an environmental question and can be dealt with quite easily by the Minister of Natural Resources. His ministry is quite competent, quite able and probably in a more informed position to make decisions with respect to timber allocations.

**Mr. Stokes:** But there are sensitive situations like the Obonga Lake road.

**Hon. Mr. Brandt:** That is right. As I say, I appreciate the question, and I can tell the member that there were results, albeit perhaps not to everyone's satisfaction, because of the questions that were raised.

**2:50 p.m.**

**Mr. Peterson:** I can understand the minister's not appreciating my question, because obviously he does not understand it or the advice he is getting from his own ministry. He may choose in his jocular way to trivialize and talk about washrooms, but let me quote from his own report. It says:

"The use of the class environmental assessment applies to projects which are relatively small in scale"—washrooms, if one will—"recur frequently and have a generally predictable range of effects which, though significant enough to



require environmental assessment, are likely to cause relatively minor effects in most cases. Forest management on crown land is not consistent with this definition."

The minister should not trivialize it. Why is he ignoring the advice of his own senior officials?

**Hon. Mr. Brandt:** I simply have not acted on the findings and the comments made in that report at this time. The member is making a decision with respect to the direction in which I am apparently supposed to be going long before I have made a decision on it. I can only suggest to him that the matter is under review.

He will remember that in the throne speech there was a comment with respect to review of the whole environmental assessment process. We intend doing that, and I will take into account some of the comments made by the Leader of the Opposition; but we have not made a decision on it at this time, I have not ignored the advice of my staff.

#### CHAIRMAN OF METROPOLITAN TORONTO COUNCIL

**Mr. Rae:** Mr. Speaker, I have a question for the government House leader. In the absence of the Premier (Mr. Davis), I would like to ask the minister a question about the Metropolitan Toronto council and the future chairman of Metro council. I would like to ask the government House leader this question, if he will answer it, because it is a fundamental question of policy affecting the government of Ontario.

How does the government justify the fact that under the law of Ontario today the person who is chosen does not have to be a member of that council, does not have to be elected by anybody to anything, does not ever have to have been elected by anybody to anything and, after he is appointed, never has to face the public in an election? Why has the government taken so long to face up to the fundamentally undemocratic nature of the appointment of the Metro chairman as it is now carried out under the law of Ontario?

**Hon. Mr. Wells:** Mr. Speaker, I remind my friend that all those who study municipal government around the world look to Metropolitan Toronto as one of the shining examples of a municipal federation that works. The honourable member should look at the people who have attained the job of chairman of Metropolitan Toronto under the legislation of this province. Who can argue with success?

**Mr. Rae:** The answer to that question is John Robarts. John Robarts argued with that because when John Robarts carried out his study he said

two things, and the minister is fully aware of them. He said Metro councillors should be directly elected by people living in Metro Toronto. He also said anybody who was the Metro chairman should have to be a member of that council and should have to be elected and re-elected as a member of that council.

**Mr. Speaker:** Question, please.

**Mr. Rae:** Why does the minister disagree with the recommendations that former Premier Robarts made just seven years ago?

**Hon. Mr. Wells:** I recall some of the recommendations of the Robarts report. One of them was that the community I live in and some of the community represented by the member for Scarborough West (Mr. R. F. Johnston), about 50,000 people in Scarborough, should be put into other municipalities, a recommendation that was rightly rejected. With no disrespect to the former Premier, we could not agree with the recommendations he brought forward in his review.

**Mr. T. P. Reid:** Mr. Speaker, does the minister recall that one of his colleagues, whose name slips my mind—it may have been the member for Wilson Heights (Mr. Rotenberg) brought forward a motion in this Legislature within the last year, calling for the Metro chairman to be directly elected? As I recall, most of the minister's colleagues voted for that. Is the minister going to take any action in this way, or are we going to remain in the same way?

**Hon. Mr. Wells:** Mr. Speaker, I have been happy to answer these questions because, as a Metro resident, a long-time member here and former minister of municipal affairs, I am interested in this, but those questions really should be directed to the Minister of Municipal Affairs and Housing (Mr. Bennett).

**Mr. T. P. Reid:** The minister answered the first two.

**Hon. Mr. Wells:** If the honourable member wants to know the answer to his question, it is that the procedure we have had here has succeeded. We have had excellent people succeed to the job by being elected by council, and I do not see any particular reason to change that at this time.

**Mr. Rae:** Is the chairman of Metro council to be a top bureaucrat, or is he to be a politician who should be responsible to the people either directly or indirectly? That is the fundamental question. Does the minister view the job of Metro chairman as an administrative position, a bureaucratic position, or does he not recognize it as one of the



most politically powerful jobs in all Canada, let alone Ontario?

Does he not think that politically powerful job is one that should be accountable to the people of Metro Toronto? Does he not think that is a fundamental right of the people of Metro Toronto?

**Hon. Mr. Wells:** All I can say is that I have not heard any great dissatisfaction with the way it is operating at present. Metropolitan Toronto is a very successful federation. One cannot separate parts of the total organization. If one is looking at electing the chairman, one will also have to look at whether Metropolitan council itself should be directly elected.

If that is the member's position, then he is welcome to put it forward. He cannot isolate that from the election of the chairman. My personal view is that direct election of Metropolitan Toronto council would be imposing a further layer of government on the people that would not be necessary.

**Mr. Speaker:** New question, please.

**Mr. Rae:** The minister is confused. It is not a further layer of government. It is a further layer of bureaucracy which is now being imposed.

**Mr. Speaker:** Question, please.

**Mr. Rae:** What we are saying is that democracy should replace the bureaucracy that is there now.

#### EQUAL PAY FOR WORK OF EQUAL VALUE

**Mr. Rae:** Mr. Speaker, I have a question for the Deputy Premier which follows on the question I raised yesterday with the Premier (Mr. Davis). I would like to ask him whether he could please explain to the House how Bill 141, which now stands in the government's name, could possibly help those tens of thousands of grocery clerks who have been systematically discriminated against in the province.

**Hon. Mr. Welch:** Mr. Speaker, it would be unwise to attempt to take a specific example without having all the facts against the four particular methods of measurement. Under the circumstances, this does provide an opportunity to remind the leader of the third party that with the passage of Bill 141 we will have equal pay for work of equal value in substantially similar jobs in the province.

This is not to avoid the question as to which particular methods could be used for evaluation in obviously dissimilar jobs. To the extent that we get rid of the rigid four-step approach and

introduce the composite approach to any situation in any place of employment in the province, then we perhaps fall short of accomplishing that goal, which is why the amendments are being introduced by the Minister of Labour (Mr. Ramsay).

With all due respect, I do not know why the honourable member's party is standing in the way of at least allowing this next step to be taken on equal pay, together with the pregnancy leave benefits and the benefits for adoptive parents, which are being denied by his party's withholding approval with respect to this bill. As far as equal pay sections are concerned, it is equal pay for work of equal value in substantially similar jobs.

**Mr. Rae:** The government members are the ones who are holding up the matter. They are the ones refusing to deal with an amendment and to respond in real terms to an amendment that puts all the malarkey and bamboozlement aside and says, "We are going to provide equal pay for work of equal value along the lines of the federal statute and along the lines of the way it has been done in Quebec."

**Mr. Speaker:** Question, please.

3 p.m.

**Mr. Rae:** There is no reason it cannot be done in Ontario. If the Deputy Premier cannot show in this instance, where there are literally tens of thousands of women who are not receiving equal pay for work of equal value—or at least where it could be argued that it is of equal value—where he is denying them a chance to appear before any tribunal and shutting the door on all those women, if he is not helping those women, how many women will he be helping and how many leaving outside with the fatuous piece of legislation the government has brought forward?

**Hon. Mr. Welch:** I remind the leader of the third party that this bill was out in committee for two days. That was part of the agreement, as he knows; there were two days of full hearings with respect to this. This House has had the benefit of a very detailed debate on the resolution with respect to the principle of equal pay for work of equal value. Indeed, we talked then about some of the next steps that should well be taken to consider the application of that principle to dissimilar jobs.

In the meantime, I would point out to the honourable member once again that progress will be made in removing what many people thought was too rigid an approach—having to make these measurements or evaluations exactly on each of

these four particular points or criteria—and we have the composite test.

I cannot tell him what further improvements there will be or how many more people will be accommodated by this, but I remind the leader of the third party and this Legislature that Bill 141 is a very significant step on the road to this whole question of equal pay for work of equal value because it ensures it for substantially similar jobs.

While the member is carrying on this particular debate, he is denying the workers of this province the other benefits of the bill with respect to improvements in pregnancy leave and benefits to adopting parents. I think it is about time we got on, took these steps and passed that bill before the summer recess.

**Mr. Wrye:** Mr. Speaker, the Deputy Premier knows enough about the equal value concept to know full well that the composite test is not a significant step forward.

**Mr. Speaker:** Question, please.

**Mr. Wrye:** Given the fact the Deputy Premier knows full well that over on this side there is no acceptance of this timid step forward, will he advise and recommend to his colleague the Minister of Labour (Mr. Ramsay) that the government simply withdraw the section of the bill that speaks of equal value and let us go ahead, at least pass into law the pregnancy and adoption provisions, which we on this side applaud, and stop fooling around with the phoney sham of bringing in equal value?

**Hon. Mr. Welch:** Mr. Speaker, why would my friend deny the working women of this province at least this next step, the introduction of the composite test as recommended by Professor Gunderson in his report? What has he got against equal pay for work of equal value in substantially similar jobs?

The leader of the third party starts throwing up all sorts of examples—not specific, by the way—with respect to Quebec. I invite him to show me a true equal pay for work of equal value decision in Quebec dealing with substantially dissimilar jobs. Let him just produce one; that is all I ask him to do. Indeed, it invites this whole question of taking some further steps to see what the methods of objective evaluation are.

In the meantime, why would the honourable member want this government to withdraw this benefit from the working women of Ontario? I think it is preposterous.

**Mr. Rae:** The crocodiles are positively falling on the floor on that side of the House.

**Mr. Speaker:** Question, please.

**Mr. Rae:** If the government's bill is so wonderful, why has it been rejected with regard to the fundamentally inadequate approach it takes—

**Hon. Mr. Welch:** By whom?

**Mr. Mackenzie:** Every women's group that appeared.

**Mr. Rae:** —by virtually every single women's group in Ontario except Sally Barnes. We will give him that exception, and he can take that exception and run it in Frontenac-Addington or wherever he wants to run it.

**Mr. Speaker:** Question, please.

**Mr. Rae:** If the bill is so wonderful, why was the chorus of rejection so strong?

**Hon. Mr. Welch:** I think it is very simple. There were very dedicated and committed people who felt the bill should go further. We talk about equal pay for work of equal value in dissimilar jobs; that is not to be interpreted to mean they did not at least approve the step to introduce the composite test and go through it.

It is one thing to talk about having a very positive view of a further extension of the principle; I do not think the member is entitled to interpret that as opposition to the bill.

The difficulty with people such as the member's own group, who simply act as delegates and not as responsible representatives, is that they have their whole position dictated by a very small minority, and I suggest to him that we get on with this bill.

**Mr. Rae:** Mr. Speaker, on a point of privilege: The Deputy Premier has just said something that I think he has to withdraw, and I think he knows he has to withdraw it. He not only implied, he said, and it was a cheap remark and unworthy of him.

**Hon. Mr. Grossman:** Look who is talking.

**Mr. Rae:** No, I am serious. Keep your mouth shut, Treasurer; I am speaking directly to the Deputy Premier.

**Hon. Mr. Grossman:** You are the expert. You are the last guy who should complain.

**Mr. Rae:** No, I have had it from you. No, he cannot get away with that stuff.

**Mr. Speaker:** Order.

**Mr. Rae:** I just asked the Deputy Premier to withdraw the remark where he suggested that any member here is less independent, less a follower of his or her conscience and less responsible to his entire electorate than anybody else. He



should withdraw that remark because it is unworthy and he knows it.

**Hon. Mr. Welch:** Mr. Speaker, I think it takes a pretty wide interpretation. Anyone who knows me personally would know I would never question a personal commitment on matters of conscience. I am telling the member that the official position, and I have dealt with representatives of the member's party, is that dictated by a small group of people within a certain organization. All I am pointing out is that the fact that I do not think—

**Mr. Rae:** That is what you said.

**Mr. Cooke:** We knew what you were saying.

**Mr. R. F. Johnston:** What did you mean?

**Hon. Mr. Welch:** Let me speak.

**Mr. Speaker:** Order.

**Mr. Rae:** Mr. Speaker, I am going to ask you to intervene. As representatives of the province of Ontario, the members of our party are as responsible to our electorate in our constituencies as is the minister. It is not a question of whether I resent it, I just think what he has said is a fundamentally unparliamentary thing. He is implying that people here—

**Hon. Mr. Grossman:** Deny it.

**Mr. R. F. Johnston:** Of course we deny it.

**Hon. Miss Stephenson:** That is not what he said.

**Mr. Speaker:** Order. The member for York South has taken exception to a statement that was made by the Deputy Premier.

**Mr. R. F. Johnston:** We are not dictators.

**Mr. Speaker:** Order. Again you are putting the Speaker in a very difficult position of judging—

**Mr. Rae:** That is your job.

**Mr. Speaker:** I know it is. The Deputy Premier got up and explained his position.

**Mr. Rae:** He repeated what he said the first time.

**Mr. Speaker:** Yes. Would the Deputy Premier like to reconsider those remarks?

Order. Please do not take advice. Let us just hear it in your words.

**Mr. Wrye:** You are going to get him into more trouble, Bette.

**Hon. Miss Stephenson:** I was talking to the Treasurer.

**Hon. Mr. Welch:** Mr. Speaker, I am a consultative person and I do take advice. Certainly I am a bit taken aback with respect to

the interpretation that has been placed on all of this by the leader of the third party. It seems to me that with a great deal of frequency they have no hesitation in labelling this group as the servants of big business and the multinationals. I hear these jibes all the time and I—

**Mr. Breagh:** There is a certain amount of grace lacking in this.

**Mr. Rae:** Whatever happened to a graceful withdrawal?

**Mr. Speaker:** Order.

**Mr. Foulds:** Name him.

**Mr. Speaker:** We are not entering into a debate.

**Hon. Mr. Welch:** If there is some concern in connection with this, then I would think the easiest way to show some independence and to work on behalf of the benefit of the people of the province is to pass Bill 141.

**Mr. Rae:** Do you call that a withdrawal?

**Mr. Breagh:** We now know how to withdraw remarks in the Legislature. We have just been given a lesson.

**Mr. Rae:** Mr. Speaker, on a point of privilege: With great respect, if some other member stands in his place and says we are delegates dictated to by a small group of people whom he has not named, do you not think any member of the Legislature specifically accused of that does not have a basic privilege? There is an assumption as to what it means to be a member of the Legislature. Do you find that to be a point of privilege or not? I think it is a legitimate question.

**3:10 p.m.**

**Hon. Mr. Welch:** At no time did I make any suggestion with respect to the lack of independence of any member of this House, particularly the leader of the third party. If there is any implication to be taken out of that, I apologize and withdraw any such implication.

All I am pointing out is that it still does not rest with the member to suggest that—

**Mr. Speaker:** Order.

**Mr. Elston:** Mr. Speaker, I have a new question for the Attorney General (Mr. McMurtry) but I see he has slipped out for a moment. I will defer to the member for Quinte (Mr. O'Neil), if I may.

#### APPOINTMENTS TO POLICE COMMISSIONS

**Mr. O'Neil:** Mr. Speaker, my question is to the Solicitor General and it concerns his reply to

my recent question in Orders and Notices regarding appointments to municipal boards of commissioners of police. In his response, the minister stated the political affiliation of candidates for these positions was "not a consideration in selection if known." On April 16 when I questioned him in the House on the same subject he replied, "I do not know the political backgrounds of the people who are appointed to these positions."

If it is as the Solicitor General stated, an extraordinary coincidence has occurred without his knowledge. From the list of 94 appointees the minister sent me, I surveyed my Liberal colleagues for their knowledge of persons appointed in their ridings, and what a coincidence, of the 45 appointments checked, three quarters were well-known Tories. We have pages of them here. We have all the titles they have held, a fact that becomes even more impressive when one considers these appointments were in Liberal ridings.

In the light of this information, I must once again ask the Solicitor General, what are the policy considerations of this government in making these appointments? May we have a clear, specific statement of policy?

**Hon. G. W. Taylor:** Mr. Speaker, on this matter, the honourable member had asked me those questions. In answer, I gave him a list of appointments made by my recommendation and those of my colleagues in cabinet. I do not know what research he did to find out, but he says they happen to be prominent Tories. I do not know how he labels that, but I am pleased we did find some very capable people to fill those positions.

As I indicated to him earlier, some of those people are members of the judiciary, some are prominent citizens and they all want to serve. I can inform the member for Quinte I would not be asking them the question he asked me, "Have these people ever served or ever been a member of any particular party?" That is not our style on this side.

I remember a politician having asked those questions in history and I will not be party to that type of interrogation.

**Mr. Conway:** Mr. Speaker, a supplementary on the style on that side of the House. Can the Solicitor General indicate whether he has discontinued a practice in these matters pursued by his ministry on at least two occasions in my constituency wherein, very properly, the ministry requested from municipal governments in Renfrew county in the electoral district of Renfrew North to submit possible candidates for

the position of police commissioner, only then to disregard the advice, to make no overture whatever and to appoint in one case a gentleman not known to anyone of stature in the community, apparently on the advice only of the defeated Progressive Conservative candidate in the riding, the hapless patronage dispenser in that part of the world?

**Hon. G. W. Taylor:** Mr. Speaker, I do not know the individual mentioned, since the member for Renfrew North gives no names and I am not aware of that situation. We receive many requests for people to serve and sometimes I do ask local municipalities if they have any suggestions. Sometimes those suggestions are accepted and the recommendations made.

We receive them from many areas—members of the Legislature, organizations, interest groups, municipal people, police chiefs and police organizations, for example—so there are many sources from which we receive the names of people who want to serve their communities on behalf of the police commission.

**Mr. Samis:** Mr. Speaker, leaving aside the alleged political affiliation of the appointees, can the Solicitor General tell the House what he is doing to increase the pathetic number of women on the police commissions in Ontario? What is that figure? What percentage of the people on police commissions in Ontario is female?

**Hon. G. W. Taylor:** Mr. Speaker, the honourable member has spoken to me on this subject previously. Indeed, I believe I saw a letter to the editor from his wife concerning the same subject. There have been a number of increases. I will admit, as would many other people around here, that the proportion is not the same as that for males.

However, I can point to my colleague the member for Brock (Mr. Welch), who has females on his police commission. There are two and a newly appointed chairman. In the area of the member for Quinte, I believe a female was appointed to the commission. I guess it is one of those he objects to; I do not know. We have appointed them from time to time. I would be pleased to receive any recommendations of qualified individuals, male or female, to serve on police commissions.

**Mr. R. F. Johnston:** The Solicitor General may be known as the three per cent solution pretty soon from what I understand.

**Mr. Speaker:** New question, please.



## INSTITUTIONAL DISCHARGE ALLOWANCE

**Mr. R. F. Johnston:** Mr. Speaker, I have a question of the Minister of Community and Social Services. It is in regard to the institutional discharge allowance that was expanded this spring. We all welcomed it when it took place, because now up to \$350 is available as a one-time amount for people eligible for welfare when they come out of institutions or are long-term residents in hostels, etc.

I have been hearing, and I wonder if the minister has been hearing, of some discrepancies taking place in the administration of this allowance from jurisdiction to jurisdiction. Certain women's hostels, for instance, are having no difficulty getting this money, while others are having difficulty.

Is this a mandatory program or is it discretionary? Can he tell us about the differences between men's and women's hostels in Ontario?

**Hon. Mr. Drea:** Mr. Speaker, I have not heard of anything specific. I have asked my director of income maintenance to make sure the municipalities, in terms of their general welfare assistance operations, are made fully aware of the institutional discharge allowances within their spheres, as well as family benefits.

If the member has anything specific, I would appreciate his bringing it to my attention.

**Mr. R. F. Johnston:** I was about to.

**Hon. Mr. Drea:** If he was going to, why did he not say it up front instead of making that silly statement?

**Mr. R. F. Johnston:** Was that a question to me that I should answer? We have our rules a little mixed up.

**Mr. Speaker:** Supplementary, please.

**Mr. R. F. Johnston:** I will say it very up front to the minister today. Could the minister look into the question of the way long-term male hostel residents are being discriminated against by not being made eligible for this amount?

I have a case of two people at Seaton House, both of whom have been residents of Seaton House for more than a month. They had a residence they were able to go to. They seemed to meet all the qualifications, but they were turned down because they were supposedly not receiving counselling. In fact, one was told the only way he would get the assistance was if he was a drunk or a drug addict, and that otherwise he would not be eligible.

Is this designed for men who are victims of social violence in terms of economic downturn,

or is it just being used to help women in the women's hostel system who are going through the social violence of wife battering? Why are men not being given access to this program in the hostel system in Ontario?

**Hon. Mr. Drea:** It is not very specific to ask a general question. I think the member could have inquired of Metropolitan Toronto, just as I am going to inquire. The member is going to have to give me the names because that is quite an accusation he spirited through here, that some social worker, employed not by this government but by Metropolitan Toronto, said that to somebody.

The member knows, and I know, exactly what the extension of that allowance was.

## GRANTS TO MUNICIPALITIES

**Mr. Bradley:** Mr. Speaker, I have a question of the minister of culture and citizenship.

**Hon. Miss Stephenson:** Citizenship and Culture.

**Mr. Bradley:** Citizenship and Culture; the Minister of Education (Miss Stephenson) corrects me.

**Mr. Speaker:** Right.

**Hon. Miss Stephenson:** Somebody has to.

**An hon. member:** That is her job.

**Mr. Speaker:** Order.

**Mr. Bradley:** Just for that, I will bring her into this question.

**Mr. T. P. Reid:** Tell her she should not be chewing gum in class.

**3:20 p.m.**

**Mr. Bradley:** The member for Rainy River says she should not be chewing gum in class.

The government has not paid its \$266,000 grant to the St. Catharines library board after almost half a year and, as a result, the municipality has had to foot the bill. This is similar to what the Minister of Education does with education grants; she holds them back in January, February and March and does not pay them out at the rate she should.

**Mr. Speaker:** Question, please.

**Mr. Bradley:** In view of that, is the minister prepared to give an undertaking in the House this afternoon that she will ensure that all municipalities in Ontario at least get the parsimonious per capita grant she is supposed to be providing to them at a date before half a year is up?

**Hon. Ms. Fish:** Mr. Speaker, the honourable member raises a couple of points. He will be aware that the fiscal years do differ. Many of our

library boards are on the municipal fiscal year, which begins January 1, whereas our payment schedules are based upon the provincial fiscal year, which starts April 1.

That point aside, it is my understanding that interim payments have gone out within the last two weeks, if I am not mistaken, to public library boards across the province.

**Mr. Bradley:** As of Monday night, Alderman Kenneth Atkinson in St. Catharines said such was not the case.

Anyway, the government has refused to increase its per capita grants to libraries in this province on a yearly basis and has forced municipalities either to insist upon a cutback in services or to increase the local property tax. As an example, in St. Catharines the province's share of the public library board has decreased from 22.6 per cent of its total budget in 1974 to a projected 9.6 per cent in 1984. The Minister of Education will know that sounds familiar.

Will the Minister of Citizenship and Culture give her assurance that she will announce in this House before the end of this session that the government will increase its per capita grant to local libraries in order that municipalities that have already been held back by the Treasurer (Mr. Grossman) will not be forced either to slash services to pieces or to increase the local property tax, which is the most regressive form of taxation?

**Hon. Ms. Fish:** Again, there are two points in the question. The first was the matter of St. Catharines and the payment. I will be pleased to take that specific matter under advisement and reply about the particular date of mailing on that payment, but I reiterate my understanding is that it did go out two weeks ago.

With respect to per capita support and whether there should be a change in the level of per capita support, it would be my particular personal pleasure to make that statement in the House.

**Mr. Conway:** Fish for Metro chairman.

**Mr. Speaker:** Order.

#### EMPLOYEE HEALTH AND SAFETY

**Mr. Wildman:** Mr. Speaker, I have a question of the Minister of Labour. I wonder whether the Minister of Labour can confirm that his ministry completed a complex 50-page report on occupational health hazards at Mack Canada in Oakville last Friday, which found ambient lead levels up to 11 times the short-term exposure levels and up to five and a half times the time-weighted averages, as well as very high chromium levels, and which ordered the com-

pany to carry out engineering controls in the small finishing paint booth, which the report says the company has agreed to comply with.

If the minister can confirm that, is he aware that at a meeting of the joint health and safety committee yesterday, Mack truck management representatives denied the company gave the ministry any commitment to redesign the particular paint booth?

Why does the ministry report now say engineering controls are required at Mack when all along the minister has maintained they are unnecessary or have been carried out? Why is the ministry report saying the company has agreed to comply with this commitment when that has not been done? Are we not seeing a continuing repetition of the obfuscation by the ministry that occurred at Westinghouse?

**Hon. Mr. Ramsay:** Mr. Speaker, it is correct that a report has been issued. There were also some orders issued by the ministry last week, I believe on June 14.

There was an order for improved ventilation of the final spray booth to which the honourable member is referring. However, it must be borne in mind that this is not the contentious booth which was the subject of the controversy some weeks ago. This is a completely different booth.

**Mr. Wildman:** I have a supplementary to the minister's reply. Can he explain why, after the extensive study, the ministry has ordered ventilation controls at this small touch-up finishing paint booth where the exposure levels are the smallest, but has not ordered similar engineering controls at the larger paint booths that have been the subject of controversy and where the exposures to lead are much higher? Why is the ministry still having these workers depend on medical monitoring and respirators rather than properly engineering out the lead problem at Mack?

**Hon. Mr. Ramsay:** It is my understanding this has been the result of additional air sampling. It is important to bear in mind that, according to the scientific studies of our scientific personnel, no ventilation improvements are required in the exterior, interior or chassis spray areas. There is one booth where they feel some improvement should be made and the orders have been issued.

#### WHEELING POLICY

**Hon. Mr. Andrewes:** Mr. Speaker, I wish to reply to a question on Ontario Hydro's wheeling policy that was asked by the member for London North (Mr. Van Horne). Ontario Hydro and the Upper Thames River Conservation Authority



have been negotiating a contract for the use of power from the Fanshawe small hydro plant. It includes wheeling of some of the power to other sites under the conservation authority's jurisdiction.

I am pleased to advise the member that agreement has been reached on all aspects of the contract, including a rate for wheeling. The contract should be signed within the next few weeks. Ontario Hydro will be announcing a schedule of rates for wheeling and other wheeling policy later this summer.

I would also like to table the answer to a question posed to me by the member for Niagara Falls (Mr. Kerrio).

#### THEATRES AMENDMENT ACT

**Mr. Boudria:** Mr. Speaker, I have a question for the Minister of Consumer and Commercial Relations. On May 26, 1983, our leader, the member for London Centre (Mr. Peterson), asked that, pursuant to the report of the women's perspective advisory committee, things such as videotapes should come under the jurisdiction of the Ontario Board of Censors. The minister did not introduce such a bill in this House, namely, Bill 2. We were led to believe until recently that bill was a priority bill for this Legislature.

**Mr. Speaker:** Question, please.

**Mr. Boudria:** We are extremely disappointed that it does not seem to be going ahead before the summer recess. Can the Minister of Consumer and Commercial Relations indicate to this House whether he would entertain that this bill should proceed immediately so we could have hearings over the summer on it? It is a very important issue.

**Hon. Mr. Elgie:** Mr. Speaker, in all honesty, that bill remains a high priority for me and for this government. It is with a degree of regret I learned that one of the opposition parties did not wish it to proceed at this time. I am prepared to proceed with it at any time. I think this summer would be a good opportunity to have hearings over matters in which many people will have views with respect to the proposals in the bill.

**Mr. Boudria:** I am sure our party is willing to commit itself to a short debate on second reading of this bill in order to proceed to committee during the summer recess. Would it not be possible to convince everyone here that this is a very worthy and important bill and that we could proceed as soon as we adjourn? Then we could have hearings over the summer concerning community standards and get everyone's involvement and input to ensure that when the bill

returns in the fall, it will have the support of as many people in the community as we hope it will.

3:30 p.m.

**Hon. Mr. Elgie:** I remain not only willing, but also concerned and anxious that the bill does proceed. I will take part in any discussions that might lead to that. If it might facilitate the views of the third party, which, as I read in a letter to the editor in Saturday's *Globe and Mail*, has a certain perspective on these issues, I think a careful review of the case of *Regina versus McNeil* will make it clear to that party that the Supreme Court of Canada has clearly said the provinces do have jurisdiction with respect to this area.

I say it is facetious to suggest we should not proceed with the bill because the Supreme Court is looking at the issue of whether the terms under which films are reviewed are reasonable. I say that with respect and I wish that party would get off that position.

**Mr. Renwick:** Mr. Speaker, I do not really care whether the minister says it with respect or not. The minister knows as well as I do that the case to which he refers is a case originating in Nova Scotia. There is very open question about whether the Supreme Court of Canada in the Ontario case will in fact hold whether this province has any power to deal with matters related to censorship in the manner in which the minister has done it.

Second, the minister has had a serious decision of the Supreme Court of Ontario and of the Ontario Court of Appeal in even more emphatic terms castigating the government for the method by which it was pursuing the question of censorship in Ontario. Why will the minister not await the decision of the Supreme Court of Canada on the Ontario case before proceeding on or urging us to proceed with that bill?

**Hon. Mr. Elgie:** Mr. Speaker, let us be very clear about what we are saying here. The courts in Ontario have said that if a government is to proceed into the area of film review and eliminations of films in line with community standards, whatever it does must be done in terms that are reasonable, in line with the Charter of Rights. Let us be very clear about that. To do that, it has to enshrine in statute or in regulation what those terms of elimination or community standards are.

We have put those things into this bill. We know the *McNeil* case talks about provincial authority with respect to this area. I ask the member to let us proceed with this bill, to have committee hearings on it this summer and to get



on with facing the issues that so many people in the public are concerned about at this time.

#### ACCIDENT AT FALCONBRIDGE

**Mr. Laughren:** On a point of order, Mr. Speaker: I wonder if members of the assembly would allow the Minister of Labour to bring us up to date on what we think is a serious accident at the Falconbridge nickel mine today and the fate of at least four miners who are believed to be trapped underground?

**Mr. Speaker:** Do we have the consent of the House?

Agreed to.

**Hon. Mr. Ramsay:** Mr. Speaker, I have some very worrisome news. A rock burst occurred at 10 o'clock this morning at the Falconbridge mine. It affected levels three and four of the mine. An undercut and fill stope just below the 4,000-foot level collapsed, trapping from one to four men.

Voice contact with one man indicated he is pinned against some equipment and unable to move. Rescue operations are under way. The internal underground hoist room at the 3,800-foot level, used to hoist men working below the 4,000-foot level, is unstable and showing signs of rock stress. Personnel have been removed from the hoist room.

Stench gas is a warning system. When it is used, miners head for refuge chambers when they smell it. Stench gas has been released in the mine and all workers, an estimated 250 miners below the 4,000-foot level, are in refuge stations awaiting further instructions. Alternative access is available through a nearby shaft if it is required.

Our people are on the site and are providing information to us as quickly as they can. I understand the company has scheduled a news conference for five o'clock this afternoon.

#### PETITIONS

##### FORESTRY PRACTICES ON RESERVE

**Mr. Wrye:** Mr. Speaker, I wish to table a petition as follows to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, urge that the burning and tree-cutting of the Ojibway prairie preserve, which is under the management of the Ministry of Natural Resources, be stopped. We cannot condone this type of destruction referred to as 'preservation.'"

The petition is signed by approximately 35 residents of the riding of Windsor-Sandwich, Windsor-Walkerville and Windsor-Riverside.

#### INDEPENDENT SCHOOLS

**Mr. Mancini:** Mr. Speaker, I have a petition as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We are the electors and residents of the riding of Essex South. We appeal for your help in responding to a concern which we, the supporters of the United Mennonite Educational Institute of Leamington, share.

"For many years we, like other supporters of independent schools, have contributed thousands of dollars in education taxes and at the same time have had to bear the full cost of our own school. We recognize that in Ontario there exist government-supported schools which address the specific needs of Catholic and Franco-Ontarian communities. We also realize that in five Canadian provinces the principle of choice in education is recognized to the extent where some of the public tax dollars are returned to the independent school.

"In a multicultural country and province such as ours, choice in education should not endow some provinces or some groups with funding while denying the same rights to others. We, the undersigned, request that the honourable members provide form and substance in law for the basic human right of parents in Ontario to choose an education for their children. Moreover, we request that the right of choice in education include a remission of tax dollars to the alternative and independent schools of Ontario."

I am very pleased to table this petition on behalf of the United Mennonite Educational Institute of the constituency of Essex South.

**Mr. Edighoffer:** Mr. Speaker, I have a petition that reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to appeal to the parliament of Ontario as follows:

"The supporters of Rockway Mennonite Collegiate cannot accept the fact that the government of Ontario can boost its support for Catholic and Franco-Ontarian schools while continuing to neglect to support other educational communities. In a democratic, multicultural society choice in education should not provide some schools of choice funding while denying the same right to others.



"In at least five Canadian provinces independent schools are recognized as providing a public service and they receive various forms of financial grants. In Ontario legislators act as if the 80,000 children in independent schools do not exist. Parents pay the total cost for their education while also paying taxes at the same level as everyone else for public schools they do not use. In fact, in the past five years parents of children in independent schools have contributed \$1 billion to educate other people's children in Ontario.

"When will their children receive some benefit from public education tax dollars? When will this government accept its responsibility to recognize the value of these schools and provide support for them, as it does for Franco-Ontarian and Catholic schools? When will this denigrating block be removed from our democratic, multicultural province?"

This is signed by 48 constituents.

### HIGH WATER LEVELS

**Mr. G. I. Miller:** Mr. Speaker, I have a petition as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"The Nanticoke Ratepayers Association, the undersigned, wish to bring to the attention of the Ontario government, the Ministry of Natural Resources and the Honourable Alan Pope:

"1. The deteriorating conditions of the retaining walls approved by and under the Lakeshore Protection Act, specifically under the approval of Mr. Latham of the provincial government at that time.

"2. We know that the cause of the high water levels on the Great Lakes system is controlled by the Ontario Hydro corporation by the diversion of the Ogoki River, which originally flowed into Hudson Bay but was diverted to flow southerly into Lake Superior in order to construct two power plants on the Ogoki River. This is why we presently have very high lake levels causing the erosion problems."

I would like to present this to you, Mr. Speaker, along with 11 pictures showing considerable damage.

3:40 p.m.

### SALE OF BEER AND WINE

**Mr. Boudria:** Mr. Speaker, just in case you were worried that I had run out of petitions, I have another petition as follows:

"To the Honourable the Lieutenant Governor in Council and the Legislative Assembly of Ontario:

"We, the undersigned, petition the government and the Legislative Assembly to support the private member's bills of Don Boudria, MPP, to permit the sale of beer and Ontario wine in small, independent grocery stores.

"Pétition adressée au Lieutenant-gouverneur en Conseil et à l'Assemblée législative de l'Ontario:

"Nous, soussignés, par la présente pétition demandons à l'Assemblée législative et au gouvernement d'appuyer les projets de loi du député Don Boudria qui permettraient aux petites épiceries indépendantes de vendre de la bière et du vin ontarien."

This is signed by seven people. We are somewhere around a total of 12,000 at the present time.

### REPORT

#### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Kerr from the standing committee on social development presented the following resolution:

That supply in the following amount and to defray the expenses of the Provincial Secretariat for Social Development be granted to Her Majesty for the fiscal year ending March 31, 1985:

Provincial Secretariat for Social Development, Social Development policy program, \$11,468,600.

### INTRODUCTION OF BILL

#### MOTOR VEHICLE SALES AND SERVICE PROTECTION ACT

Mr. Samis moved, seconded by Mr. Lupusella, first reading of Bill 112, An Act respecting the Sale and Repair of Motor Vehicles in Ontario.

Motion agreed to.

**Mr. Samis:** Mr. Speaker, the purpose of the bill is to provide protection for purchasers of used cars and consumers of car repair services. The bill requires the motor vehicle dealer to affix a notice containing useful information for potential purchasers to every used motor vehicle offered for sale.

The bill sets out a statutory warranty covering the sale of used motor vehicles. It also contains provisions requiring a motor vehicle repair station operator to provide to consumers an accurate estimate of the cost of repairs. This estimate, if accepted by the consumer, becomes binding on the repair station operator. The bill



also contains a statutory guarantee for repairs. The bill is based on provisions of the Quebec Consumer Protection Act.

## ORDERS OF THE DAY

### CHILD AND FAMILY SERVICES ACT (continued)

Resuming the adjourned debate on the motion for second reading of Bill 77, An Act respecting the Protection and Well-being of Children and their Families.

**Hon. Mr. Drea:** Mr. Speaker, before coming to some general conclusions, I want to put to bed once and for all the question of the takeover by the ministry of the Family and Children's Services of the District of Kenora. This was raised at some length the other night, and I want to put on the record exactly what happened.

In the spring of 1982 the ministry received certain information about children being at risk. The ministry initiated a case review of the Kenora society's policies and procedures regarding the handling of child abuse situations. In particular, it focused on 20 child abuse cases. The review concluded that four of the 20 child abuse cases identified children to be in a high-risk situation. Seven of the 20 cases showed considerable problems in their investigation and case management. If these problems were to be allowed to continue, children would be left at high risk.

After informing individual board members earlier, the ministry in a formal session at Kenora informed the board of these findings in August 1982. The board was amazed by the extent of the problems with respect to these cases. Both the board and senior management gave their assurances the problems would be corrected. Because of the society's history, the ministry was reluctant to accept these promises, but we were hopeful that improvements would occur. At that time, additional funds were provided by the ministry for a consultant to be hired by that society to assist in the development of solutions to those defined problems.

In January 1983 the ministry undertook a follow-up case review of the child abuse cases identified the previous spring. We found the society's plan for corrective action, which it had agreed to, was not implemented. Children were left at risk. The ministry presented the findings to a formal board meeting in March 1983. Again the board could not believe its senior management had not taken the responsibility to ensure the problems were rectified.

At a meeting of the board, the ministry indicated the society was close to being taken over by the ministry for this incompetence. The ministry agreed to have the society employ a management consultant for a five- or six-month period to assist the board in management, to develop management procedures and practices and a detailed case management manual. Two additional clinical staff would also provide assistance in the immediate case management of those children at risk or possible risk as well as assisting the consultant with the writing of the procedures.

In early summer, the society agreed to an operational review, but it was agreed the actual review would take place when the consultants left. The consultants left in October upon completion of their six-month mandate. The members of the review team included an independent consultant familiar with child welfare, a representative of another northern children's aid society, a staff member of the operational evaluation and audit branch of the ministry, a financial auditor and a program supervisor not from the immediate area.

The review, which began in November, uncovered some very disturbing information regarding the operation of the society as well as a lack of commitment by the board and senior management to implement recommendations of previous reviews. Members will note the findings were made only a short time after the consultants had put the necessary policies and procedures in place. The team's findings were presented to the then president and the then vice-president of the board and to the executive director, at two separate meetings. Seven of the 15 active board members submitted their resignations by December 1983.

There were allegations of financial problems, but the problems were not financial. Let me point out that from 1978 to 1983 the budget of the CAS increased by 128.9 per cent. In addition, our area office made available to the society between \$1 million and \$1.3 million for initiatives for native child welfare in remote areas. We did not even receive a proposal from the society. Despite the close scrutiny in 1982 and 1983, the CAS service plan, the heart of the management of the CAS, was so late in 1983 that it is almost inconceivable to understand how a well-paid management group could act in such a manner.

Before the completion of the written report, but after the review had been completed, the review team asked to meet with my deputy and my senior staff in mid-December to inform the



ministry of their grave concerns. I am sure members can appreciate that the request for a meeting was most unusual but was felt to be necessary by that review team.

On the basis of the review team's report, the ministry was forced to conclude that there was a real lack of commitment on the part of the board and management to addressing the long-term pressing problems at the society. The ministry saw no other course of action left but to take over control of the operation and management of the society, which was done on January 18.

The ministry informed the Ontario Association of Children's Aid Societies, through its executive director, of problems at the society on December 24, and that organization knew of these problems when its representatives attended board meetings early in 1983. They were informed in confidence prior to the ministry move on the society. The rest of that involvement is a matter of record.

In February 1984 the operational review team published a report in which they detailed all the concerns they had expressed to my deputy about the society. I want to read from that report. We will go, first of all, to page ii and page iii. The review team notes:

"There are serious, continuing management problems within the society in terms of operational, financial and program management. There are serious doubts regarding the board's willingness or ability to provide adequate direction to or exercise control over the society."

It goes on to say: "Of particular concern is the fact that while a great deal of effort and money have been put into developing policies, procedures and standards, the senior management have failed to demonstrate a commitment to them."

**3:50 p.m.**

I am going to read verbatim from page viii, because the conclusions are not long; they are very succinct.

"Conclusions: The review team has noted a great number of concerns with the society's operation both in the executive summary and in the body of the report. It is our conclusion that while the recommendations made would be of some help, the central problem is management.

"The ministerial reviews identified problems which resulted in children being at risk. Consultants were brought in to develop the necessary system and to assist staff to develop the necessary skills to address these problems. Senior management, however, has indicated that the new policies and procedures cannot be implemented,

and indeed the review team found major continuing inadequacies in the implementation of the key controlling system. The board appears to be unwilling to act to require accountability and adherence to the legislation and ministry guidelines.

"The study team is forced to conclude that only major changes in the attitude of the board and senior management will ensure that the recommendations of the consultants and earlier reviews, or indeed of this review, will be implemented."

We acted on the basis of that. I suppose there was a hypothetical question about a so-called joint press release involving the ministry and that society. There was never a joint press release. There was a proposal by the society that a joint press release be issued, but it was rejected by the minister.

I also note that I think the key concern in this bill should be the fact that rather than having to stand in this assembly on this day, and rather than having had to go into the standing committee on social development on an earlier day, to explain as much as I and my deputy minister could about the reasons we acted in Kenora, all of that will be in public with the passage of this bill. There will be due process to replace the present system under the ministry act where an order in council is sought in cabinet.

I remind members that as a minister, like all my cabinet colleagues, I have sworn an oath, the executive council oath, in addition to oaths as a minister of the individual portfolio. We cannot discuss cabinet matters.

With the sections in this act, any such activity in the future, and I certainly hope there will be none, would require a proposal to be made, due process. The public would have the right, and that includes not only members of this assembly but also the entire public through the media, to scrutinize what is going on. I regard that as a very significant improvement.

I want to turn to one particular issue because I see my friend the member for Lake Nipigon (Mr. Stokes) is here. I took due notice of his concerns the other evening regarding future programs for the native offender, particularly in areas to the north of his residence.

I draw to his attention the fact that after meeting with native leaders, we began discussions as to how to best reflect their needs in this act and respond to the concerns expressed. We were involved in consultation in large measure with them and their legal counsels. We think particular concerns are met in clause 194(2)(b),



which authorizes the minister to make agreements with native people regarding all services under the act, including services for young offenders.

On Monday, we will begin a series of meetings with chiefs regarding the types of services they think we can implement in the immediate future, bearing in mind that Bill 28 gives us authority until Bill 77 is passed and has the identical sections.

We would like the input of the member for Lake Nipigon, even on an informal basis, but we would also like to consider his views based on his experience and the fact that, long before ministers of the crown were visiting reserves on a regular basis, the member for Lake Nipigon was doing so and is familiar with many of the problems, not just of today but of the past.

I point out to him that at the moment we have about 15 probation and aftercare officers on those reserves or responsible to those reserves. That has provided a significant area of alternatives to the traditional methods of incarceration or institutionalization. We want to build on that, and we want to take advantage of the fact that, particularly in this bill in regard to services to other than offenders, we are moving a long way on those reserves towards the band taking over total responsibility for the services as soon as is reasonably practical.

Some of them can start almost immediately, and others may take a little longer because of the need to train, but we will be consulting with the honourable member, and I ask for his input and advice on these matters. It is not a question of waiting for Bill 77, because we have a similar clause in the interim bill. We can begin to move at almost any time. I think the consent and the support of the chiefs is very important and significant.

**Mr. Stokes:** And the elders.

**Hon. Mr. Drea:** Yes. I lump the two together, the chiefs and the advisory groups, who are the elders.

There are a couple of other matters I want to address, more to clarify than to meet particular issues.

With regard to the medical procedures that three speakers have spoken about, Bill 77 does not in any way affect the legality of or condone medical and chemical experimentation. By the way, that does not mean experimental medicine; anybody who has read the act should be fully aware of that. Chemical experimentation is as simple as changing a long-term prescription for treatment.

What Bill 77 does is to acknowledge the intrusive nature of these procedures and require that they be subject to formal review. We had originally wanted to prohibit these procedures, but a joint committee of the Ontario Medical Association, the Ontario Association of Children's Mental Health Centres, and the Ontario Psychiatric Association made a very strong case to us that these are essentially medical procedures which the Ministry of Community and Social Services should not try to regulate.

**4 p.m.**

I will read to the members from page 17 of their brief. "Some of the procedures listed are solely medical acts and thus would be done only by a licensed physician and they are controlled by other legislation and disciplining bodies.

"The committee"—that is, the three of them—"believes the Ministry of Community and Social Services should not have the capacity to prohibit or regulate a medical act that is already governed in other acts. In one sense, does this not place the minister in a position of practising medicine without a licence?"

I have read that verbatim from their brief.

These procedures are carried out in acute care hospitals; they are not carried out in our facilities. As medical procedures, they are subject to the requirements of consent and all the elements inherent in the doctor-patient relationship. Legally these procedures are controlled by Ministry of Health legislation.

I want to emphasize that Bill 77 does not propose that electroconvulsive therapy is ever necessary for children; it merely requires scrutiny before such a procedure is used in an acute care hospital. Nothing in this law legalizes electroconvulsive therapy to be used or condones its use. In fact, we are providing further safeguards for the use of these procedures to children in our or other agencies' residential care. This ministry would not propose laws that would deny children the benefits of advances in medical science, such as developments in chemotherapy, bone marrow transplants or new and safe medications.

There would seem to be a great division within the ranks of Her Majesty's loyal opposition over the question of the rights of children, particularly those placed in a residential or a treatment setting. These are the so-called reviews.

The member for Huron-Middlesex (Mr. Riddell) said we were appeal-happy in this legislation, that there were too many reviews in Bill 77. I should say he said we were "review-



happy”; that was the exact terminology. The member for Hamilton Centre (Ms. Copps) and the member for Windsor-Sandwich (Mr. Wrye) wanted more reviews and more due process within the reviews.

Perhaps it is because Bill 77 strikes such a balance that it allows professionals to do their work and to exercise their professional judgement that there appears to be a difference in the way individual members see the review procedures. But it is of paramount importance that children not be lost in the system, whether it is a system of residential care or a system of treatment, and the bill provides for a review of these very important decisions, especially in the area of long-term residential placements.

**Mr. Van Horne:** Mr. Speaker, on a point of order: I am speaking in defence of the member for Huron-Middlesex, to whom the minister referred just a moment ago. I think, in fairness, when the member made the suggestion that being “review-happy”—and the minister was quoting his words—was a concern of his, in fact he was reflecting the concern of the major agency that is a part of his riding, that is, the Family and Children’s Services of London and Middlesex County. If that is a legitimate concern of theirs, I hope the minister will address his comments to that rather legitimate agency as well as to the member.

**Hon. Mr. Drea:** Mr. Speaker, I have addressed my concerns about reviews to every agency in this province.

**Mr. Van Horne:** That is the concern they have.

**Hon. Mr. Drea:** Rights of people in reviews are a concern of mine as well. If a person is an adult and is going to be placed in a long-term treatment procedure, then he or she has the right to a review. I do not think we have gone too far; as I said, we have tried to strike a balance.

We went to the committee and we pointed out the difficulties of whether, after a placement, an adolescent has the right to a review; and there were those, like the agencies—and I am not too sure they spell it out exactly and as emphatically as the member did—

Interjection.

**Hon. Mr. Drea:** We have now found out who is responsible for the brief, because the member opposite made it plain that he was reflecting views that were not necessarily his own. Surely if someone is to be placed in treatment, that person has the right to ensure that the professional, no

matter how well-meaning, how expert, how infallible, has been correct.

I think we have struck a balance. It may not be the balance and fine-tuning that everybody wants, but it is a balance. It is not arbitrary and I do not think it erodes the rights of professionals at all. One of the things I would have welcomed is more professionals trying to work a little bit harder to find a review procedure that was not intrusive upon them, but did protect rights, in particular the rights of adolescents who are virtually on the edge of adulthood and within a month or two will have full rights in the system.

I wish my House leader was here, but I hope he will read Hansard. The suggestion was made the other night in regard to the question of French language rights, and I believe both in public and in lengthier conversation with my friend the member for Prescott-Russell (Mr. Boudria) there is an understanding as to what the particular language means. The issue was raised that it was only in the committee this question came up and that, indeed, it was because of people who appeared before the committee that this decision was made.

I want to place it on the record that the person responsible for this major breakthrough in the provision of services in the French language in this province is my friend, colleague and neighbour, the government House leader and Minister of Intergovernmental Affairs (Mr. Wells). Last year he wrote to me most emphatically, because at that time we were still in the consultation process and we had not even arranged to bring a conceptual bill before the standing committee on social development.

He said there should be provision, that we should break new ground in providing French-language services in this most sensitive field in this province, children’s services. He did more than write. It was through his ministry and through his personal initiative that the government House leader provided much of the motivation, much of the inspiration, and, if one wants to spell it out bluntly, the clout that produced a very significant breakthrough in the provision of French-language services.

It is one of the most important parts of this bill. It is a matter of record that when I first appeared before the committee, before it ever studied this bill, I commended this section to it for scrutiny, long before anybody appeared. I believe in giving credit where credit is due.

In conclusion, while there have been some expressions of displeasure with certain sections of this bill, I think it is fair to say that, by and



large, on all sides of the House there has been a general welcoming of Bill 77. On that basis, I find it rather strange that both opposition parties have said, for different reasons, they are going to divide on second reading.

**4:10 p.m.**

Before the opposition votes, I ask them to remember that if they stand and vote against Bill 77, they are voting against the chairman of the standing committee on public accounts, the member for Rainy River (Mr. T. P. Reid). Never before has there been a bill which wants such accountability from transfer agencies, a subject which is very close to his heart.

If the members want the procedures followed, if they want due process, if they want complete accountability in terms of transfer payments, then I say if they stand up today to vote against it, they are going to have a very difficult time having people take them seriously again in those demands. They cannot have it both ways.

I know the New Democratic Party will stand up today. I have listened to their front bench all this spring going after the Minister of Health (Mr. Norton) by saying: "Where is your inspection service? What is it doing? Why does it not do this?" These are the people who suddenly do not want me to have an inspection service. They want my rights to discipline and my rights to move in eroded.

If they want to be taken seriously in the last few days of this session, asking the Minister of Health what he is doing about nursing homes and other institutions, then they are going to have a very difficult time if they stand up to vote against Bill 77.

I will adjourn the debate at this time.

**The Deputy Speaker:** Mr. Drea has moved second reading of Bill 77.

**Clerk of the House:** He moved adjournment of the debate.

**The Deputy Speaker:** No, I do not think he was intending adjournment of the debate. He was just completing his comments.

**Hon. Mr. Drea:** I did move adjournment of the debate.

On motion by Mr. Drea, the debate was adjourned.

#### WORKERS' COMPENSATION AMENDMENT ACT

Hon. Mr. Ramsay moved second reading of Bill 99, An Act to amend the Workers' Compensation Act.

**The Deputy Speaker:** Does the minister have any opening comments?

**Hon. Mr. Ramsay:** Mr. Speaker, my comments will be very brief in that I gave a 30-minute opening statement last evening when we discussed second reading of Bill 101. I referred to Bill 99 in that statement.

One comment made last evening by one of the speakers—at the moment who it was escapes me—was that an important section of the amendments was missing. The opinion of the member who raised the point was that the benefit increases were not indexed.

I would like to make one comment in this respect. If those benefit increases were indexed, we would not have the opportunity each year to have a very forthright and open discussion on the Workers' Compensation Act and on the perceived problems the members opposite have with it. Therefore, I am looking forward to the debate today, as we discuss a five per cent increase to the benefits package for injured workers.

**Mr. Mancini:** Mr. Speaker, statements made by cabinet ministers of this Conservative government never cease to amaze me. It was rightfully pointed out by my colleague the member for Essex North (Mr. Ruston) that if the government is so concerned about having full debate on its policies, it would not have introduced ad valorem taxes.

**Mr. Ruston:** That is right. It is just the opposite.

**Mr. Mancini:** It is the opposite of what the minister has stated.

**Mr. Ruston:** I agree with it, if we are going to do it with all of them. If we have a debate on the tax every year, there is nothing wrong with that.

**Mr. Mancini:** As always, this Conservative government likes to have it both ways.

I have looked through Bill 99 and, as we know, it was initially the intention of the government to come forward with one bill, having the sections in Bill 99 and Bill 101 merge. Because of the difficulty and the need for further debate on the sections covered by Bill 101, it was agreed by all that the sections of the act that were to be amended to grant increases to the injured workers should be separate in order to not delay the increases due to the injured workers. It was not the intention of any member of the House to delay the increase to the injured workers.

The minister did the right thing by agreeing to split the bill. It was a very generous move on his part. He could have taken the other road, causing



confrontation, but he decided not to do so and I wish to acknowledge that.

As I look over Bill 99, there are the usual increases to the allowance for burials, increases in payments to widows, increases in payments to children who have lost either of their parents, increases in the lump sum payment, increases for back braces and for upper limb prostheses. We are not going to say these increases are not going to meet our acceptance.

I realize that for this fiscal year, until October, we are still under the Inflation Restraint Act and I realize many of these increases are five per cent or not much more. I realize that for many of these allowances, the burial allowance for instance, we have raised it from \$1,400 to \$1,500, but we could have been more generous.

I do not think a family could have a funeral paid for by the amount the Workers' Compensation Board of Ontario is offering. Possibly the ministry should have canvassed some of the funeral homes and funeral directors across Ontario to get an average figure for a funeral and used that figure. I do not think any members would have objected. I do not think the public at large would have objected. I do not think the businesses who pay the workers' compensation premiums would have objected. When someone has lost his life on the job, I do not think we should be looking to burial allowances to try to reduce costs. I would have recommended to the minister that he look for an average cost.

It will not behoove any of us today to say the government has moved it from \$1,400 to \$1,500, now make it \$1,600. I am not going to get into a bidding war with the minister or with anyone else. I am just going to leave the thought with him that maybe we should canvass across the province to determine the general cost of a funeral and insert that figure at our earliest opportunity.

**4:20 p.m.**

Payments to dependent widows and widowers are increased by \$29. That is another area where I think we could be more generous. We are not talking about a person who is going to have an opportunity to get back into the work force and earn more or someone who may receive more benefits down the road. We are talking about a situation where the injured worker unfortunately has been killed on the job and the widow, the mother of the family, is left with all the responsibility of raising the family. I do not know why we have to chisel around with a \$29-increase.

As I said before, I am not going to try to get into a bidding war with the minister, but I hope that some time between now and next year we can have a better debate on these matters. I am sorry we have to put it off that long, but the wheels of government turn very slowly. I acknowledge that. I would be foolish if I tried to pretend the wheels of government are anything but slow.

To have a better debate, we need more information from the minister. It would be very nice and informative to know whether many of the mothers who are widowed due to the death of their spouses, or people who cohabit who have lost their spouses, have to rely on social services to meet the needs of their families.

I am sure it is happening, but I would regret deeply if that happened to a family that had lost the father, the major breadwinner, the head of the household. Although society changes and we have many situations where both parents work, in many other instances it is still just the father, the husband who is out working because of any number of situations. We do not need to expound on the reasons for that.

When we have these tragedies, personally I always find it slightly offensive that the Legislature should be chiselling around with \$29 for the only increase they are going to get this year. We are looking at \$564 last year. I guess the minister must have used five per cent. Did he tack on five per cent?

If it were five per cent of several thousand dollars, that would mean something. If it is five per cent of \$564, it does not mean very much. In future, when we get further opportunities, I hope we will look at it not as a percentage increase, but will try to establish a fairer and more equitable increase that would guarantee that the family of the deceased worker would not have to rely on social assistance, would not have to go to the social assistance office and make out an application for welfare assistance.

The loss of a loved one, particularly someone as close as a husband or a father, is very traumatic and tragic. I find it intolerable if we drive them to a standard of living that we would not tolerate. That is offensive. I am not trying to be too critical of the minister. I am just trying to make another suggestion that perhaps we should review how many of these families have had to rely on welfare or on family benefits allowances.

Any child of the deceased worker under 16 years of age would have his benefits increased from \$157 a month to \$165, not a lot of money in today's society. A young boy or girl 12, 13 or 14

years of age grows rapidly and needs new shoes and clothes on a regular basis because he or she is outgrowing them. At that age they grow very rapidly and usually consume more food than they do later on in life. It is very costly, and I do not think we are doing enough in that area.

The minister has raised the ceiling on earnings and also made some increases, as I said earlier, for replacement clothing, for a back brace and for any upper-limb prosthesis. I would like to see us cover the entire cost of whatever back brace or limb prosthesis is needed. If a worker has been injured on the job and if the result of the injury is that the worker needs a back brace, I do not understand the logic of why we would not cover the entire cost of the brace needed.

I am assuming, of course, that the injured worker has seen a doctor and has been rechecked or looked at by one of the board doctors, and I am assuming that the injured worker has received medical advice from practitioners both inside and outside the board as to his need for a back brace. I am also assuming that these medical practitioners would instruct the injured worker on the type of brace needed and where it could be purchased, etc. When we go through all that, one wonders why we put a limit on the amount of money that can be expended for the back brace.

A good back brace that has been recommended by both outside practitioners and doctors representing the board costs \$350 or less or more. If any of us were ordered by our doctor to obtain a brace because of pain or injury in the back, the first thing we would ask would be: "What kind of brace do I need? Where should I get it?" Immediately we got that information, we would know the cost of the brace and we would know from our doctor, "Yes, that is an adequate brace for the type of injury you have."

I had a notion earlier to propose an amendment that would strike out those figures and leave it up to the doctors, the injured worker's doctor in consultation with the board doctor, to decide what type of brace was needed, and the full cost of the brace would be paid. I believe that is something we should do.

I did not make the amendment; we are trying to get this bill through. But I leave that for the minister's attention. As he said, we are going to be discussing this again next year, possibly after an election. Maybe he will be sitting here and some of us will be sitting there. No one knows.

**Mr. Ruston:** That is right. Do not shake your head, Russ. It might happen.

**Mr. Mancini:** I am not sure if the member for Renfrew South (Mr. Yakabuski) will even be

running again, but if he does not, we will all miss him. We have enjoyed his company over these many years. The member for Renfrew South actually came to my constituency some years ago and visited my home town of Amherstburg. We had a delightful conversation the day he was there.

**Mr. Philip:** You even had a cup of tea together.

**4:30 p.m.**

**Mr. Mancini:** Yes, we had a cup of tea.

Getting back to the argument concerning the upper-limb prosthesis, the same argument holds. If that is what is needed, if that is recommended by the doctor, why do we have a limit on what the injured worker is allowed to have? If the injury is genuine, if it is proven through the system the board has in place that it is a compensable injury, I find no good reason these limits are in place.

With those few comments, I will say to the minister we are going to endorse Bill 99. We want the injured workers to receive their increases without delay. We will look very seriously at any possible amendments that may be brought forward by anyone else this afternoon.

I hope the minister will give some thought to my comments today. I have tried to make them in an unprovocative way and put them forward in an effort to open up a dialogue among the minister, myself and others, and I would hope to give strength to the argument I have tried to make.

#### ACCIDENT AT FALCONBRIDGE

**Hon. Mr. Ramsay:** Mr. Speaker, on a point of order: I thought the assembly would be interested in the latest information regarding the Falconbridge nickel mine. The word I have just received is that all miners are on the surface except for the four men trapped just below the 4,000-foot level. There were only 100 to 200 men in the refuge chambers, not 250 as I reported earlier.

At 1:15 this afternoon, there was more bursting, and the rescue crews who went in to rescue the man just below the 4,000-foot level had to come back to the surface. The rescue crews were still able to maintain voice contact with the trapped man until they had to resurface. This man is about 10 feet below the 4,000-foot level.

Further information will be provided to me just as soon as it is received and I will pass it on accordingly.



WORKERS' COMPENSATION  
AMENDMENT ACT  
(continued)

**Mr. Lupusella:** Mr. Speaker, I appreciate the minister's attempt to keep honourable members informed about this terrible tragedy. I know it is very emotional. We get so emotional when a tragedy in the mines and elsewhere is taking place.

I hope we will also become emotional when we are dealing with the improvement of benefits for injured workers. I do not think this is the case. I know a tragedy such as this is a media event. It is followed by everybody. People hope these tragedies will never take place.

When we are faced with improving the level of benefits, I think the government is using a completely different pattern. Even though I do not want to become controversial, as I was last night, I want to tell the minister and other members that we have a great concern when we are dealing with and debating improvements in the level of benefits. We always did in the past and we always will in the future. We have a specific and concrete concern about the well-being of injured workers, their families and their children.

We are faced with Bill 99, which has to do with the level of benefits. What we are dealing with is a poor five per cent increase in the level of benefits to injured workers across Ontario. To be frank, I do not think this bill is completely different. From what? It has been debated for the last year, since about July 1983, when the level of benefits was increased on behalf of injured workers.

I guess the pattern is the same. The mood is the same. We have voiced and raised concerns on behalf of injured workers and brought them to the attention of the minister. We moved amendments which were above the five per cent figure, but as members will recall, our amendments were defeated. Even though we have to follow the same pattern this year, we are pleased to do that on behalf of injured workers, although we realize the position of the government will be to defeat the amendments.

It is becoming a ritual event for us. Each time we talk about injured workers we raise the same concerns and get the same apathetic approach from the government without any specific response. We were critical of Bill 109, which was the major event on reshaping the Workers' Compensation Board across Ontario. We thought—at least we had in mind from Bill 99—that something was coming up in relation to

the contents of the bill per se rather than dealing with the five per cent increase.

We have become critical, but we have been trying to be constructive as well, trying to bring to the attention of the government the problems in relation to injured workers. There was never a concrete or positive response from the government, trying to deal with the situation in a more responsible way. This situation cannot be tolerated by us. It will not be tolerated in the future and we are going to voice the same kind of criticism until the government gets tired one day and takes the position that something must be done.

In reshaping the Workers' Compensation Board, which was one of the major events, and improving the benefits of injured workers across the province, we are faced with 80,000 injured workers across the province receiving a five per cent increase. How can we tolerate this situation?

I would like to respond to the points raised by the minister at the very beginning when he stood up and said last night that someone stated that the level of benefits has not been raised on a yearly basis. I was the one who raised this specific point. I think the minister missed the most important ingredient to the issue of indexing injured workers' pensions.

For the last 14 years, I realize the government has been increasing injured workers' pensions, based on the increase in the cost of living. What we need is a specific clause within the statute to make sure this increase will take place automatically. That is what I meant when I voiced that particular concern in relation to the indexing process for pensions of injured workers across Ontario.

This particular approach would eliminate the situation of injured workers having to appear at Queen's Park trying to make specific demands on the level of benefits. As the minister in charge of the Workers' Compensation Act, why will he not include a specific clause which will take into consideration this automatic indexing formula, which should be incorporated within the act?

**4:40 p.m.**

Nobody is saying that for the last 10 years the government has not increased the level of injured workers' pensions, based on increase in the cost of living. We are not saying that. The minister has done that, but the minister and the previous minister did it as a result of the pressure coming from injured workers' groups in front of Queen's Park and elsewhere and through briefs and letters. This situation is unacceptable because injured workers have been claiming and demand-



ing the inclusion of this specific clause within the statute of the Workers' Compensation Act. It is time to do it.

Injured workers are not supposed to follow the whim of the government that is in power. Let us place this specific demand within the act and an automatic increase will take place every year whether or not an election is called. When that specific clause is included in the act, it will be up to the board to increase the level of benefits yearly, based on the cost of living increase.

I remind the minister, even though for the last 14 years injured workers' pensions have been increased on the basis of the cost of living increase and even though the five per cent increase this year is taking into consideration the cost of living increase from July 1983, that there are workers who were injured 14, 17 or 20 years ago and who are currently receiving permanent disability pensions. How much money did they lose? Are we taking into consideration the level of benefits for them? I do not think so.

That is why each time there is a demonstration, injured workers talk about injustices in the level of benefits. We never approach a solution to their problems. This is something that must be considered. It is not new. It has been raised in previous criticism, last year and two years ago. When the Workers' Compensation Board came before a committee of the Legislature to deal with its annual report, this criticism was heard.

We are getting frustrated, because we repeat the same thing all year round, and no concrete, positive response comes from the minister, the government or the chairman of the Workers' Compensation Board to implement these policies.

Bill 99 does not take into consideration a lot of problems. I bring to the attention of the minister the specific clause dealing with workers who have been fatally injured. Based on Bill 99, their widows or widowers will be receiving an increase from \$564 per month to \$593 per month, effective July 1, 1984.

The minister is well aware of the number of fatalities taking place across the province. It is in the range of 322 every year. I hope I am not wrong with that figure. We are talking about the most sensitive issue of people who have passed away. They died in the performance of their duty. I do not see any difference between a worker dying on the job and a policeman dying in the line of duty. They are on the same level, if one wants to make a specific comparison between an injured worker dying on the job and a policeman being killed in the line of duty.

The government is using a different approach, and I think that is completely wrong. We have to equalize the situation and treat people equally. I do not think injured workers who die as a result of an injury on the job are considered to be the same as policemen dying in the line of duty.

What does the widow receive? She receives a poor \$564, which will be increased by five per cent to \$593 effective July 1, 1984. Here we are talking about justice and the rights of injured workers across Ontario. Sometimes we do not understand when we see groups of people demonstrating in front of Queen's Park or having meetings across Ontario, but they are trying to deal with their destiny, with the future of the Workers' Compensation Board and with what the government is going to do.

Last night I was very critical about Bill 101 about which the minister stated he would be introducing just one amendment about French language rights and services when it is debated again in the Legislature after it comes back from the committee that will sit during the summer.

I want to emphasize a principle to the government and to the minister in particular. He is not inclined to have an open mind about modifying Bill 101. I think the whole exercise defeats the principle of sitting as a committee and having public hearings during the summer. I will be the first to refuse and to reject the notion that I have to sit on such a committee. I want the minister to be aware of that. Maybe somebody else will sit on it, but I will not.

Unless the minister and his colleagues who will be sitting on the committee have an open mind about modifying Bill 101 from its present form to a better form by improving the contents of the bill per se, I do not think I want to participate in a process that is lost from the very beginning.

I hope my friend the chairman of that committee will understand my feelings. We have been sitting for many months. We have been debating the issues. Now we have to go through the same process. For what? Will we come back with the same bill in the Legislature and try to debate it clause by clause and then vote on it without modifying the bill?

The minister should concretize the utility of having a committee and how useful it would be if the committee could amend the content of the bill. He should have an open mind and accept recommendations that come from the committee as a whole. If we are going to have a closed mind or if we see a closed mind on the government's side, we are defeating the purpose of sitting on



that committee. I will refuse, with great respect, even though I would like to participate in a debate about reshaping the future of workers' compensation benefits across Ontario. I think my function would become futile and fruitless. I do not think I will be willing to sit.

Even though we are dealing with Bill 99, I hope the minister will be able to give me a more positive statement in relation to the future of the committee and what the government will be willing to accept from the committee's recommendations when we debate the contents of Bill 101 before I finalize my own position.

I have an open mind, as the minister will notice. I hope that he and his colleagues also will have open minds and make a clear statement that they will accept the committee's recommendations. I hope he will try to make sure that the members on his side of the House who will be sitting on the committee will take into consideration the contents of the presentations that will be made before the committee during the summer.

**4:50 p.m.**

Having said that, I want to go back to the principle of Bill 99, because that is where we are. The so-called fatal cases are the most sensitive cases with which members of this Legislature are faced. This is a traumatic experience for the survivor spouse and the dependants, and here we are talking about going from \$564 to \$593 per month, based on the five per cent increase.

That is completely wrong; they deserve more. We cannot calculate the life of a worker who dies on the job at \$593 per month, effective July 1, 1984. It is unacceptable. The minister is aware that we are dealing with 322 fatal cases every year across Ontario. He is well aware that billions of dollars are invested by the board. Some of the money should go back to these people. They deserve this money; they need it urgently because their families have been suffering as a result of the breadwinner disappearing because of an accident.

As I recall, I raised this point in July 1983. In July 1984 I am raising the same concerns. To whom am I talking? That is why I feel really frustrated when we talk about Workers' Compensation Board problems and about the concerns of injured workers. I realize some people are fed up, but they are real problems and we have to come to grips with them.

I want to draw to the attention of the government that last year I said we pass legislation every year, and then the corporate board implements policies to interpret the legislation we pass. That is where injured workers are

facing the bureaucratic process, at 2 Bloor Street East.

This morning a constituent of mine came to my office to deal with a WCB problem. Let us see the approach of the board in relation to the so-called item of rehabilitation, which falls under subsection 43(5).

I felt offended on reading the contents of this letter. There was a wage loss supplement involved. The man is losing money. He has been receiving a wage loss supplement for two years. He was a successful case of rehabilitation; he used to be a construction worker making \$10 per hour, and he was rehabilitated by the board, became a cabinet maker and ended up making \$5 per hour. A 30 per cent disability award was granted by the board on a permanent basis as a result of a serious back injury. Consider the contents of this letter in relation to the wage loss supplement pension:

"Information on file indicates that you have been in receipt of a wage loss supplement since March 12, 1979. The supplement is temporary in nature and is designed to assist a worker financially, provided that the impairment of earning capacity of the worker is significantly greater than is usual for the nature and degree of the injury. In other words, it must be demonstrated that the permanent partial disability is preventing the worker from returning to this pre-accident employment or earning a wage comparable to his pre-accident earnings, which is based on 75 per cent of the average weekly earnings during a 12-month period immediately preceding the accident.

"The payment of a wage loss supplement is temporary in nature. In your particular case, you have been in receipt of a wage loss supplement for a considerable length of time." I do not want to go through the whole content, but the conclusion is: "Because of the considerable length of time, enough is enough. We have to stop the wage loss supplement."

Subsection 43(5) does not mention a considerable length of time. They say: "This person received enough wage loss supplement from us, a 30 per cent disability award since 1979. Tough luck. The person can stand on his feet and make \$10 per hour now. The law is clear." The policies made by the compensation board are completely wrong. The interpretation of the law is completely wrong.

Enough is enough. Tough luck, if one is making \$5 per hour. There is a wage loss involved. There is no doubt about that. There is a 30 per cent disability award, given on a



permanent basis, but this man lost the wage loss supplement from the board because it was given to the man for a considerable period of time. There is no specific section within the act where it talks about the length of time. There is still time to move an emergency debate on this topic.

For some time, we have not received sympathy for the criticism we are raising. I know the minister might say, "You should write a letter to clarify the position of the board," or "Send me a letter and I will investigate the case for you," or "You can investigate the case by yourself."

From my constituency office today, I got in touch with the pension section of the board, which is in charge of the wage loss supplement. It took me 20 minutes before I could communicate with someone in that section. I realize there is a change in the communication system at the board, and they might be faced with problems, but I think 20 minutes is too long to wait before a person is able to talk to someone.

When I was able to contact someone—not the person who wrote the letter, but somebody else because the other person was not available—the only comment I received was: "You made your point. Someone will contact you." That was it. I think I should write a letter to the chairman, or else I will not get anywhere. If I do not get anywhere, I am trying to interpret the feelings of an injured worker who is trying to clarify his situation in relation to his individual case.

When injured workers go there, they are frustrated and fed up. The people at the board call the police and the injured workers are charged with trespassing. Can the minister tell me how many people cannot go to this public place as a result of charges laid against injured workers because they are fed up with the bureaucratic process and explode when they are there? I would like to have the figure. I was not able to get this figure from the board. Maybe the minister can. I sympathize with these people who go there and try to get their frustration off their chests.

**5 p.m.**

If we are not sensitive about fatal cases, which number 322 every year—the widow or widower receives benefits for dependants in the range of \$176 per month, and as a result of the five per cent increase they have been increased to \$185 for a dependant child under the age of 16 years—we are not understanding the trauma of injured workers across the province.

My colleagues in this party have been raising the same concern over and over. I am sick and tired of reiterating the same concern every year when an amendment is introduced in this

Legislature at the end of the session. If we have time, my colleague the member for Nickel Belt (Mr. Laughren) and I are going to plan a different political strategy in the future over the yearly emergency debates on behalf of injured workers; emergency debates every day on behalf of injured workers on the floor of this Legislature, trying to sensitize the ministers and the members on that side of the House.

I know the minister means well. He is concerned, and when we have talked to him about specific problems he takes them very seriously. I do not expect the minister to be at the board on a daily basis trying to find out what is going on. That is why there is a chairman, appointed by the government, trying to run the show there. The bureaucratic approach has been increasing lately and someone is responsible for that. I think the minister has to clear the air down there.

Injured workers are angry, I am angry, and I hope the minister, with his sensitivity, will be able to do something about it. I know some of my colleagues would like to participate in this debate. I would like to tell the minister we are going to move amendments. We disagree with the notion of the five per cent increase. We are going to move amendments based on a 10 per cent increase in the level of benefits.

I am already reading the intention of the minister and the government to reject the 10 per cent increase, but for us as a party there is a strong commitment to injured workers across Ontario. Even 10 per cent will not cover the pain, suffering and bureaucracy they have been faced with since their accidents.

**Mr. Haggerty:** Mr. Speaker, I want to speak on Bill 99, An Act to amend the Workers' Compensation Act. I find difficulties in debating the bills before the Legislature, Bill 101 and Bill 99. It seems to be a practice in the Ontario Legislature that legislation to amend the Workers' Compensation Act is usually brought in about this time of year before the recess of the spring session, or in the late fall session when the House is almost ready to prorogue.

It seems to indicate a tendency of the minister or the government to have closure on such important pieces of legislation. I was rather disappointed I did not have the time or opportunity to address myself to Bill 101 yesterday. There was about two and a half hours of debate on it, which is not sufficient to put forward the views of all members of the Legislature on what should be in it.



In 1978 I introduced a motion in committee asking for major changes in workers' compensation legislation to bring it in line with present living standards and qualities required to maintain a family. It was carried in committee and that was the beginning of the Weiler report.

Look at the intent of the Weiler report: "The initial premise of workers' compensation remains valid. All workers should be guaranteed protection against loss of income due to occupational injuries irrespective of the incidence of fault—be it their own, their employer's or a fellow employee's." That is from Paul Weiler's *Reshaping Workers' Compensation for Ontario* in November 1980.

There has been much discussion since then concerning the different reports. I thought by this time we would have some conclusion evidenced from that for a new direction, setting new policies and guidelines in the Workers' Compensation Act. I find today in Bill 99 that is not coming forward. It has been the practice in past years to bring in a bill around June with a small increase in benefits to the injured worker. This year it is based once again on the five per cent ceiling.

The previous member mentioned that the New Democratic Party would be bringing in amendments to raise that to 10 per cent. Even 10 per cent does not seem to be too much for the injured worker on the present income that he may find himself faced with through the loss of job and income. The benefit the injured worker receives is based upon 75 per cent of his gross income, so he is already taking a 25 per cent penalty. Then we come in this year and say we are going to give him five per cent.

That applies to different areas of the bill. One is the burial allowance benefit, an increase from \$1,400 to \$1,500, which is minimal. My colleague mentioned he thought it should be raised. I understand much of Bill 101 will be integrated with the Canada pension plan. I suggested in 1978 they should take all the pension plans, company or otherwise, when a person is injured and has lost his source of income, and bring them together under one plan as one source of guaranteed income. The family should not suffer for any loss due to the injury. I agree with that.

Perhaps I could agree with paralleling this bill with some of the provisions in the Canada pension plan, but let us take a look at the increase in the CPP benefits announced in a statement issued on December 21, 1983:

"Ottawa's Health and Welfare minister today announced that over 1.5 million Canada pension plan recipients will have their benefits increased effective January 1, 1984. The annual adjustment, which this year is 6.7 per cent, is based in the rise in the cost of living over the last year." I suggest much of the government policy in this area is based on some form of indexing to the cost of living.

It goes on: "There is a lump sum death benefit payable under the Canada pension plan. The maximum payable in respect of contributors who die in 1984 will be \$2,080." I suppose if we add the \$1,500, that will cover the average burial expenses a family may encounter. I suggest they are already paralleling this with much of the federal CPP.

#### 5:10 p.m.

Let us take a look at other areas here. I was looking through the Ontario Gazette dated June 16, 1984, and I want to bring this to the attention of the minister. I wish the government would follow some consistent path when it brings in legislation, particularly amendments to workers' compensation. This relates to the public under the Regulations Act, June 16, 1984, the Provincial Courts Act.

The judges now have a common factor of 80 years plus service. If they get a factor of 80, they can come up with a pretty reasonable pension and insurance scheme in case a person does not attain the age of 65 or retirement age. There is a survivor benefit. I think under the teachers' superannuation plan there is a factor of 90, and even under the Ontario municipal employees retirement system the factor is 92.

We have different variations. Under this government's legislation, criteria have been set up for different agencies or groups of persons who have pension schemes. On survivor's allowance, it says that upon the death of a spouse a person is entitled to an annual survivor's allowance until the child or the youngest of the children attains 18 years of age.

It states in the section that it is paid until a survivor is 16 years of age, unless one can show proof that the survivors or children are going to attend some school upgrading their education. That almost leaves the door open for another area of appeal. Sometimes members have to be involved in the issues of workers' compensation, checking with the board to find out why it has not allowed benefits for a child aged 16 to 18.

It goes on to say that under the Provincial Courts Act, "For the purpose of determining entitlement to a survivor allowance under the



regulations, a person who has attained the age of 18 years"—I understand in the new Bill 101 it is 19—"but has not attained the age of 25 years, and who is in full-time attendance at a school, college, university or other institution that is recognized by the board as a place of higher education, shall be deemed not to have attained the age of 18."

One would think the minister responsible for the legislation would have put that in Bill 99 or Bill 101, but it is not there. I suggest consideration must be given to this area. It should not be left to the discretion of the board where somebody might say, "We are not going to permit your child to enter university or college."

When there is a death due to an injury, it has a traumatic impact on the family. One of the first things a person may encounter is, "What about my children's education?" Under the present act, there is not much encouragement. It says a person may continue to be eligible if he continues to be in full-time attendance in a school. The benefits can terminate when the child reaches the age—I do not know what the age is, but he has to be in school. Many survivors question that area. It frightens the child when the surviving spouse says, "My child will not be able to attend a school because we may be cut off from workers' compensation." That is an area I am concerned about.

On the section dealing with the increase of five per cent from \$188 per week, I am surprised that will still remain at five per cent. There is nothing that moves it up to a higher rate. I mentioned the Canada pension plan to the minister—

Interjection.

**Mr. Haggerty:** My House leader tells me not to prolong this.

**Mr. Nixon:** It is a free country.

**Mr. Haggerty:** It is a free country. He did not get my message when I began. I said that bringing in a bill at this time is almost like closure.

**Mr. Nixon:** Not only that but we want to vote on it before six.

**Mr. Haggerty:** Perhaps he has provoked me into further discussion of it.

**Mr. Nixon:** I was afraid of that.

**Mr. Haggerty:** Looking at subsection 4 of the bill, the minister thinks he is giving them a great deal by giving five per cent. I am sure he is aware that in the last few years the Supreme Court of Canada has made a number of large awards in personal injury actions.

I quote: "In 1978 it decided a number of cases with substantial general damage awards of \$613,000, \$859,000 and \$540,000. In these cases the court affirmed the basic principle of compensation in tort litigation; namely, that the victim must be restored to the financial position he or she was in before the injury.

"To this end the court has decided that the standard of care applicable to paraplegics is that of optional care, which is care in the home rather than in the hospital, in all three cases, and confirmed" at a later date I guess; this is a 1981 case—"the award for pain, suffering and loss of amenities of life has been \$100,000. The Supreme Court has made it clear that only in rare circumstances will it award an amount higher than \$100,000.

"In fact, the dependants of people who have been injured or killed by the fault or neglect of any person may also, under the Family Law Reform Act, sue for damages; the dependants of workers who have been injured on the job, on the other hand, are not entitled to compensation unless the injury is fatal, in which case workers' compensation legislation provides them with benefits."

When you look at the civil action cases in courts or tort actions taken, the compensation is much higher than is allowed here.

I have to give the minister credit on one section of Bill 101, where he has allowed a new section of the act. I recall that I have spoken on this for a number of years. The new section reads:

"A new award scheme will be introduced for the dependants of workers who die after the bill comes into force. The new scheme will apply regardless of when the accident occurred. Under the scheme, a lump sum payment of between \$20,000 and \$60,000, depending on the circumstances, will be paid to the spouse, separated spouse or children of the deceased worker, and periodic payments, not exceeding 90 per cent of the deceased worker's net average earnings at the time of the injury, depending on the circumstances, will be payable to the dependants of the worker."

I recall addressing myself on a number of occasions to the amendments to the Workers' Compensation Act and the fact that there was nothing in there for a surviving spouse. I believe it was about two years ago, speaking about the same time in June, that I brought this matter to the minister. After my comments on the bill relating to surviving spouses, the Workers' Compensation Board, through an actuarial decision, decided the injuries would be worth



\$30,000 up to \$60,000; but if the injured worker passed on, nothing from that trust fund would go to the surviving spouse. I understand changes have now come about.

I remember the Deputy Premier (Mr. Welch) discussing it with me afterwards. He said, "I never looked at that section until you brought it to the attention of some of the members over here." It was a serious flaw in the legislation that there was no pass-through for survivor benefits after that trust fund had been set up. I commend the minister for listening to some of the comments from members on this side of the House.

As I said previously, it is difficult for a person to accept the five per cent. With the amendment put forward by the New Democratic Party for 10 per cent, I hope the minister will follow the guidelines set down by the Canada pension plan benefits and will index the increase at least to the cost of living over the past year, which is 6.7 per cent; let us make it seven per cent. I think this would ease some of the pain that many injured workers and their families have to go through year after year looking for the next increase in workers' compensation, the next source of additional income.

5:20 p.m.

Despite government policy, we do not see Ontario Hydro rates remain at five per cent; we do not see home heating fuel costs stay at five per cent; they are usually higher than that. I suggest the minister should be taking a close look at the amendments coming forward from my colleagues to the left. We should be considering additional increases above the five per cent permitted under the present legislation and in the amendments put forward by the minister in Bill 99.

Based upon the House leader's remarks to me, I will sit down now, but I do wish the minister would consider some of my comments.

#### ACCIDENT AT FALCONBRIDGE

**Hon. Mr. Ramsay:** Mr. Speaker, on a point of order: With the permission of the chair and my colleagues, I would like to bring the latest report relative to the tragedy at the Falconbridge mine.

This report was provided to me through the courtesy of Scott White of Canadian Press and it was carried on the press wire at 4:51 p.m. It reads as follows:

"Voice contact has been made with one of four miners trapped by rock falls in a nearby nickel mine more than 1 kilometre below the surface,' officials said. Peter Marshall, a spokesman for Falconbridge Ltd. said, 'A team of

senior supervisors, sent down the mine shaft, talked to one of the men about 4:15 p.m. this afternoon. It was unknown if he was injured or if the three others were still alive,' Marshall said.

"Marshall said the men were working in a stoke, an excavation area about 150 metres from the mine shaft, when the series of rock bursts began about 10:30 a.m. The miners were cut off from the shaft by rubble. 'About 170 other miners working in other locations got out of the mine safely,' he said. 'Officials were pumping oxygen into the shaft,' a Falconbridge spokesman said, but it was unknown when a rescue attempt would be made."

An earlier report I gave indicated the rescue crews had to return to the surface because of additional rock bursts. That was about 3 p.m. this afternoon when the rescue crews had to come up and the situation is not safe enough for them yet to return, although they expect that will be accomplished just as soon as is prudent.

In summary, the other miners who were underground at the time are all now on the surface. There are four miners still trapped. One of them is known to be alive. The whereabouts and condition of the other three is not known at this time.

#### WORKERS' COMPENSATION AMENDMENT ACT (continued)

**Mr. Laughren:** Mr. Speaker, I appreciate the minister keeping us up to date on the events at Falconbridge. Our thoughts are with those miners and their families. It must be indescribably difficult waiting out this kind of news when one is close to people who are trapped underground.

I shall be very brief in discussion of this bill because I believe my colleague the member for Dovercourt (Mr. Lupusella), as usual, has covered the main points in fine fashion.

We are going to support this bill because it does provide an increase. As well, I was very pleased that this part of the bill was split off from the other part of the reform, Bill 101. There are a lot of problems with this bill though and it would not be very difficult to vote against it. It would be very easy to vote against it and justify to injured workers in the province why we voted against this bill.

Some day this government is going to have the decency to bring in a bill like this in March, April or May and not leave it to the last couple of days of the session. It is truly remarkable and unacceptable the way the government plays

games with injured workers every single year by doing it this way.

If the government is not ashamed of the increase, it should bring it in at a decent time so we can have a decent debate. I suppose if it is ashamed of what it is doing, then it will continue to bring it in at the last moment so there is inadequate debate on the bill.

I really believe there is no other single issue that so clearly separates this party from the government as legislation surrounding the needs of injured workers in the province. It is funny because it is as though the government members had virtually no contact themselves with injured workers in the province. I do not know how that is possible.

**Mr. Barlow:** Oh, come on.

**Mr. Laughren:** I am serious. The chairman of the resources development committee expresses disbelief. I do not know how he can support the kind of legislation that is the responsibility of government and still deal with injured workers on a daily basis. It is beyond my comprehension.

I ran out of time last night, but I know there is a lot of time today. I thought I would spin out the story of an injured worker who came to me, and express to the minister how frustrating it is and ask him whether at some point he will reply to the principles involved in this particular case. He has never done so in the past.

A man who is in his late 40s—he may even be 50; I am not sure—has worked for many years at Inco in Sudbury. He has a 15 per cent disability to his back. Last fall, he went on total temporary benefits for a period of time and then went on to total supplement to carry him over for a while. About two weeks ago he received a notice saying his supplement was being cut off because his level of disability was now at 15 per cent.

Here is a married man with three children in post-secondary institutions this coming year. His income is 15 per cent of maximum compensation benefits. The sickness and accident people tell him it is a compensation problem and not to come to them. The compensation board says he is at his level of disability—15 per cent. The doctor says, “You can go back to work on light duty.” The employer says, “There is no light duty available, sorry.”

I want the minister to tell me how that person is supposed to exist. What is that person supposed to do? Does the minister think that is fair compensation? Is that a fair compensation system? I do not know what to tell this man. I can understand the anger that is welling up in him. It

was scary when I witnessed it. That is the kind of thing the minister refuses to deal with.

More specifically, on the bill itself, I am not happy about the fact there is still no indexing. It still means this government feels a very strange need to exercise control over the fate of injured workers on a yearly basis. The government wants to have them sitting in the palm of its hands every June and, depending on its largess, to bring in an increase. The government may or may not do it. It is entirely up to the government. How paternalistic can it be. That is the attitude of the government.

I look at the income of dependent spouses. My goodness, I did some very simple arithmetic. If a worker is killed on the job, and there are four children at home, that family will have to live on \$1,253 a month with these increases in place. It does not matter whether that income earner, the spouse who was killed on the job, earned \$15,000 a year, \$20,000 a year, \$25,000 a year or more. That does not matter. That has no relationship. I know it is going to change under Bill 101. Thank goodness for that. It is amazing what guilt can do. This is an outrageous system the government has here.

Another thing is the earning ceiling. How the government justifies an earning ceiling of \$26,800, I do not understand. By the minister's own admission, 32 per cent of workers in Ontario do not have their earnings fully covered by the compensation system. That is in the background notes on page 8. I always thought that of all people, the Conservatives—big-C and small-c—believed in the work ethic and therefore they would not penalize someone because he happened to be earning a higher income than someone else.

**5:30 p.m.**

There are quite a few miners, construction workers and high steel operators who earn more than \$26,800, but the government has decided those people should be penalized more than someone earning \$15,000, \$20,000 or \$25,000 a year. I would like to hear the rationale for that. I have never heard a good one. I would really like to hear the rationale for that.

We are going to vote for the bill despite those problems, although what is in this bill is not enough. It is not indexed. The ceiling is absolutely ridiculous and discriminatory. It is ridiculous for the dependents of workers killed on the job, and there is no solution for those thousands of workers who were hurt a number of years ago, as my colleague the member for Dovercourt explained a few minutes ago.



**Mr. Wrye:** I want to be very brief, Mr. Speaker, but I want to raise two issues with the minister.

The first is the lack of automatic indexing. I, for one, cannot understand why we have to go through this same charade every June. The minister is aware of the views expressed way back when by Professor Weiler.

Having sat on the committee and having reviewed them thoroughly, I want to say it is time to take this whole issue out of the political arena so we are not in a situation of the government trying to decide whether it ought to meet inflation, or come close to inflation, and the opposition trying to pick a number out of thin air. We should simply take the best objective method of indexing injured workers' pensions and benefits each year, by looking at the increase in the average industrial wage.

After all, what is an injured worker? He or she is someone who, if still in the labour force, would be a part of that average industrial wage. I would urge the minister to go back to his colleagues and make this the last year of what I would call a charade.

I want to deal very briefly with one other issue. I raised this with the minister a week ago today, I raised it with the minister last night, I am going to raise it again and I am going to keep raising it until I get an answer. I would remind the minister of the point I made. He said we would be debating these bills next week. He thought that would be the appropriate point to talk about it. So let us talk about it.

I am going to give him the same example I gave him a week ago: a 40-year-old spouse with two dependent children, widowed one day before the proclamation of the new law. In other words, she comes under this existing act, Bill 99. The pre-accident income was \$26,000. That family will get the sum of \$923 a month and any Canada pension plan benefits if they apply. As the minister well knows, they do not always apply.

On the other hand, the same spouse, same age, same income, widowed one day after the proclamation of the new amendments, would receive a lump sum of \$40,000—the minister knows that is in Bill 101—plus 90 per cent of the net earnings of the accident victim or, approximately as I reckon it, \$1,600 a month.

I wish the minister would get up on his feet and explain that enormous discrepancy to me and to injured workers in the province. It is there in black and white. I congratulated the minister last night, I congratulate him again today and commend him for having recognized just how

poorly we treated spouses and children of fatal accident victims. One of the truly good improvements in the new detailed amendments in that very field.

Having said that we recognized the problem, why does the government get tied to the five per cent? Why did the minister not just reach out and say, "We have treated you badly over the years," and simply double the amount? We would argue that the five per cent is certainly not adequate. It does not match the increase, for example, in Canada pension plan disability benefits, which is 6.7 per cent.

If there is any one area where an injustice continues to be wrought on the families of injured workers, it is that one. I would hope the minister would either explain away this enormous discrepancy or simply do the right thing: bring in an amendment to his own bill and increase that one area. I ask him again to take a look at increasing the five per cent to 10 per cent in that one area, and give them a little more of what their real due is.

**Mr. Di Santo:** Mr. Speaker, I would like to speak briefly on this bill. I thought I would congratulate the minister when I read Bill 101, because I felt with that bill he would introduce some substantial amendments, but that is not the case. The fact the minister says he has introduced amendments in the last years, increasing the benefits by five per cent, six per cent or eight per cent, does not really mean much.

What is basically wrong with Bill 101 is that the government is starting to reshape its words. It is not what we say, that the worker's compensation system is basically wrong.

I want to tell the minister he is perpetuating a situation of inequity with this bill. I want to bring to his attention two sections of the bill that deal with widows.

Can the minister tell the House why a widow who is currently receiving a pension from the Workers' Compensation Board should receive \$593 from July 1, 1984, and a widow—I hope there are no widows, but we know tragedies happen every day—under the new act will receive a lump sum of \$20,000 and a pension? Why is there such a disparity in the treatment of the two different situations? We know the consequences from a financial point of view, from an economic point of view and from a moral point of view are exactly the same.

I would also like to tell the minister that by increasing by five per cent the pensions of the majority of the 90,000 workers who are partially disabled, he is really not redressing a situation

that is basically wrong, because it is based on an assessment reflecting a criterion that is not acceptable and that was condemned by most of the people who appeared before the standing committee on resources development. I am talking about the meat chart.

I do not want to make the argument one more time because it is not necessary, and we know very well the meat chart is a structure that applies without discrimination to every kind of injured worker, without taking any account of the peculiar aspects of the injury, the aspects related to the background of the injured worker, his or her skill or the possibility of going back into the labour market.

We have a majority of partially disabled workers who according to the act would theoretically be able to go back to a job, but they do not go back. If they receive pensions that are almost insignificant, then if they do not go back to any kind of job, they cannot go back, and not because they do not want to go back. By giving them five per cent, the government is perpetuating a situation that is unacceptable. I do not want to prolong the debate, but I want to make this point because I feel very strongly about this.

I want to make a further point that subsection 43(5) of the present act which has not been amended also penalizes the injured workers because the pensions and supplements are based on the salary the injured worker received in the 12 months before the accident. I had a recent case of a worker who was injured for the first time in 1971, subsequently went back to work and now is condemned to a situation of total disability. He is receiving 30 per cent disability, his pension is based on the salary he was receiving before 1971 and his supplement is based on the salary he was receiving before 1971.

If the minister thinks that is justice, he should stand up and tell us. However, he knows and we know this is very wrong. This amendment is perpetuating—

**5:40 p.m.**

**Mr. Stokes:** Mr. Speaker, on a point of order: Could you prevail upon the member for Riverdale (Mr. Renwick) to allow the Minister of Labour (Mr. Ramsay) to listen to the debate?

**Mr. Speaker:** I have a request for the member for Riverdale from the member for Lake Nipigon not to divert the minister's attention.

**Hon. Mr. Ramsay:** Mr. Speaker, on a point of privilege: I have to take responsibility for attracting the attention of the member for Riverdale by asking him to come over to discuss

a mutual concern. It is my fault and I want the member for Lake Nipigon to know that.

**Mr. Di Santo:** I thank the member for Lake Nipigon. I will repeat briefly the point I was making. Many injured workers who are partially disabled are not working. This means, for all intents and purposes, they are totally disabled. This bill does not redress the situation. Those workers who receive benefits under subsection 43(5) receive those supplements based on the wages they were making before the accident. That is wrong. I want the minister to tell us how this bill is going to redress that situation.

**Mr. Lupusella:** Mr. Speaker, on a point of order: Since the members have raised concerns during the course of the debate, perhaps the minister has a reply. I think it is time for the minister to give us an answer.

**Hon. Mr. Ramsay:** Mr. Speaker, I am not prepared to give a response on each of the concerns that have been raised today. I will make an opening statement and try to address them when Bill 101 goes to committee.

I am not trying to be patronizing, flippant or anything when I say that the various members opposite who spoke last evening and those who spoke today for the first or second time are all very able advocates for injured workers. I mean that sincerely. I have listened with interest, appreciate what they are trying to say and I will try to make a complete and full response at that time rather than an ad hoc, ad lib type of response.

Motion agreed to.

Bill ordered for committee of the whole House.

**Hon. Mr. Drea:** I move second reading of Bill 77.

**Hon. Mr. Ramsay:** Mr. Speaker, on a point of order: As I understood it, the arrangement was that we would have committee of the whole House and third reading of the bill before we adjourn today. Is that not correct?

**Hon. Mr. Drea:** Mr. Speaker, I will stand down the motion I moved. I thought it was only on the vote.

**Mr. Speaker:** The motion has been withdrawn.

House in committee of the whole.

## WORKERS' COMPENSATION AMENDMENT ACT

Consideration of Bill 99, An Act to amend the Workers' Compensation Act.



Section 1 agreed to.

On section 2:

**Mr. Lupusella:** Mr. Chairman, I think I should give you a summary of the amendments I am going to put forward in relation to Bill 99 so at least you can proceed in an orderly fashion in relation to a specific process.

**The Deputy Chairman:** Is the honourable member going to propose an amendment to something in section 2?

**Mr. Lupusella:** Yes, Mr. Chairman. I have an amendment to subsection 36(1) of the Workers' Compensation Act as set out in subsection 1(1) of the bill.

**The Deputy Chairman:** The honourable member has put the chair in a position where, with the permission of the House, the member for Dovercourt is going back to section 1, which I thought had already passed. If there is unanimous permission, we will go back to section 1.

Agreed to.

On section 1:

**Mr. Di Santo:** He was on his feet.

**The Deputy Chairman:** I did not see him. We have that permission.

**Mr. Lupusella moves that subsection 1(1) of the bill be amended as follows:**

Clause 1(1)(a) of the bill by striking out "\$1,500" and substituting therefor "\$1,540";

Clause 1(1)(c) of the bill by striking out "\$593" and substituting therefor "\$620";

Clause 1(1)(d) of the bill by striking out "\$593," "\$165" and "\$185" and substituting therefor "\$620," "\$173" and "\$194," respectively;

Clause 1(1)(e) of the bill by striking out "\$185" and substituting therefor "\$194"; and

Clause 1(1)(f) of the bill by striking out "\$593" and substituting therefor "\$620."

**Mr. Lupusella:** Mr. Chairman, I am going to be relatively brief. I want to emphasize the principle that has been enunciated previously in the course of the general debate in relation to Bill 99. The minister is aware that we are not completely happy with the ceiling on the increase, which is in the range of five per cent; injured workers deserve more. Just to be consistent with previous amendments that were moved in July 1983, I think the 10 per cent increase will not alleviate the problems of injured workers across the province, but they will help them.

5:50 p.m.

**Mr. Mancini:** Mr. Chairman, I made it plain in my earlier remarks that we were unhappy with the percentage increase being offered by the ministry but that we would not be putting forward our own amendments because we did not want to be seen to be getting into a bidding war with anyone. I also made it clear that if the New Democratic Party were going to put forward an amendment for a 10 per cent increase, we were going to support it.

I want to make it abundantly clear to the minister that I am unhappy about the way we are figuring out the costs of such items as burial allowance. I said to him earlier that we should not be chiselling around trying to increase the allowance by \$100 or \$140 or \$150. We should have information provided to us. The minister should know what the average cost of a burial is; that is the figure we should be allowing the family of the fatally injured worker to receive. If it is \$2,200 or \$2,400, that is what the figure should be.

We should not be chiselling around saying to the family of an fatally injured worker, "Last year we gave you \$1,400 for a burial and this year we are going to give you \$1,500 for a burial." That is a policy I cannot support in principle, although we are going to support the bill.

As to the other changes that were recommended by the member for Dovercourt, the same argument holds true in the case of an injured worker or a worker who is killed on the job. It is not so much a question of how much we are going to give the family in lieu of the monetary loss and in lieu of the tremendous family loss, but of absolutely ensuring that family will not have to turn—

**Hon. Mr. Wells:** Mr. Chairman, can I move that the committee rise and report? The member will be on first tomorrow.

On motion by Hon. Mr. Wells, the committee of the whole House reported progress.

#### CHILD AND FAMILY SERVICES ACT (concluded)

The House divided on Hon. Mr. Drea's motion for second reading of Bill 77, which was agreed to on the following vote:

#### Ayes

Andrewes, Ashe, Baetz, Barlow, Bennett, Birch, Brandt, Cousens, Cureatz, Davis, Dean, Drea, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Hodgson, Johnson, J. M., Kells, Kennedy, Kerr, Kolyn,

Lane, Leluk, McCaffrey, McMurtry, McNeil, Mitchell;

Norton, Piché, Pollock, Ramsay, Robinson, Rotenberg, Scrivener, Sheppard, Shymko, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, J. A., Timbrell, Treleaven, Villeneuve, Walker, Watson, Welch, Wells, Williams, Wiseman, Yakabuski.

#### Nays

Allen, Boudria, Bradley, Breaugh, Bryden, Charlton, Conway, Cooke, Copps, Cunningham, Di Santo, Edighoffer, Elston, Epp, Foulds, Grande, Haggerty, Johnston, R. F., Laughren, Lupusella, Mackenzie, Mancini, Martel, McGuigan, Miller, G. I., Newman, Nixon, O'Neil, Philip, Rae, Reid, T. P., Renwick, Ruprecht, Ruston, Samis, Stokes, Swart, Van Horne, Wrye.

Ayes 57; nays 39.

Ordered for standing committee on social development.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, perhaps I could indicate the order of business for tomorrow.

Following routine proceedings tomorrow afternoon, we will complete the committee of the whole stage of Bill 99; followed by Bill 6, second reading and committee of the whole, followed by Bills 104, 105, 84 and 85, and committee of the whole if needed. Then we will move on to committee of the whole of Bill 14.

The House adjourned at 6:07 p.m.



## CONTENTS

**Wednesday, June 20, 1984**

### Statements by the ministry

Maetz, Hon. R. C., Minister of Tourism and Recreation:	
<b>Wintario capital grants program</b> , Mr. O'Neil, Mr. Foulds, Mr. Speaker .....	2659
Levesque, Hon. L., Minister of Northern Affairs:	
<b>Regional economic development program</b> .....	2657

### Oral questions

Andrewes, Hon. P. W., Minister of Energy:	
<b>Wheeling policy</b> , Mr. Van Horne .....	2670
Maetz, Hon. R. C., Minister of Tourism and Recreation:	
<b>Wintario capital grants program</b> , Mr. O'Neil, Mr. Foulds, Mr. Conway .....	2660
Brandt, Hon. A. S., Minister of the Environment:	
<b>Environmental assessment</b> , Mr. Peterson, Mr. Stokes .....	2662
Drea, Hon. F., Minister of Community and Social Services:	
<b>Institutional discharge allowance</b> , Mr. R. F. Johnston .....	2669
Belgie, Hon. R. G., Minister of Consumer and Commercial Relations:	
<b>Theatres Amendment Act</b> , Mr. Boudria, Mr. Renwick .....	2671
Levesque, Hon. S. A., Minister of Citizenship and Culture:	
<b>Grants to municipalities</b> , Mr. Bradley .....	2669
Ramsay, Hon. R. H., Minister of Labour:	
<b>Employee health and safety</b> , Mr. Wildman .....	2670
Taylor, Hon. G. W., Solicitor General:	
<b>Appointments to police commissions</b> , Mr. O'Neil, Mr. Conway, Mr. Samis .....	2667
Welch, Hon. R. S., Deputy Premier and Minister responsible for Women's Issues:	
<b>Equal pay for work of equal value</b> , Mr. Rae, Mr. Wrye .....	2665
Wells, Hon. T. L., Minister of Intergovernmental Affairs:	
<b>Chairman of Metropolitan Toronto council</b> , Mr. Rae, Mr. T. P. Reid .....	2664

### Petitions

<b>Forestry practices on reserve</b> , Mr. Wrye, tabled .....	2672
<b>Independent schools</b> , Mr. Mancini, Mr. Edighoffer, tabled .....	2672
<b>High water levels</b> , Mr. G. I. Miller, tabled .....	2673
<b>Sale of beer and wine</b> , Mr. Boudria .....	2673

### Report

<b>Standing committee on social development</b> , Mr. Kerr, tabled .....	2673
--	------

### First reading

<b>Motor Vehicle Sales and Service Protection Act</b> , Bill 112, Mr. Samis, agreed to .....	2673
--	------

### Second readings

<b>Child and Family Services Act</b> , Bill 77, Mr. Drea, Mr. Van Horne, agreed to .....	2674
<b>Workers' Compensation Amendment Act</b> , Bill 99, Mr. Ramsay, Mr. Mancini, Mr. Lupusella, Mr. Haggerty, Mr. Laughren, Mr. Wrye, Mr. Di Santo, agreed to .....	2678

### Committee of the whole House

<b>Workers' Compensation Amendment Act, Bill 99, Mr. Ramsay, Mr. Lupusella, Mr. Mancini, adjourned</b> .....	269
--	-----

### Other business

<b>Tribute to swimmers, Mr. Foulds</b> .....	265
<b>Correction of record, Mr. T. P. Reid</b> .....	265
<b>Attendance of members, Mr. Ruston, Mr. Speaker</b> .....	265
<b>Annual report, Office of the Ombudsman, Mr. Speaker</b> .....	265
<b>Adjournment of House, Mr. Rae, Mr. Eaton, Mr. Breaugh, Mr. Epp, Mr. Foulds, Mr. Renwick, Mr. Speaker</b> .....	265
<b>Spray program, Mr. T. P. Reid</b> .....	265
<b>Accident at Falconbridge, Mr. Laughren, Mr. Ramsay</b> .....	265
<b>Accident at Falconbridge, Mr. Ramsay</b> .....	265
<b>Accident at Falconbridge, Mr. Ramsay</b> .....	265
<b>Business of the House, Mr. Wells</b> .....	265
<b>Adjournment</b> .....	265



## SPEAKERS IN THIS ISSUE

Andrewes, Hon. P. W., Minister of Energy (Lincoln PC)  
 Aetz, Hon. R. C., Minister of Tourism and Recreation (Ottawa West PC)  
 Barlow, W. W. (Cambridge PC)  
 Bernier, Hon. L., Minister of Northern Affairs (Kenora PC)  
 Boudria, D. (Prescott-Russell L)  
 Bradley, J. J. (St. Catharines L)  
 Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)  
 Braugh, M. J. (Oshawa NDP)  
 Conway, S. G. (Renfrew North L)  
 Cooke, D. S. (Windsor-Riverside NDP)  
 Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
 Di Santo, O. (Downsview NDP)  
 Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)  
 Eaton, Hon. R. G., Minister without Portfolio (Middlesex PC)  
 Elghoffer, H. A. (Perth L)  
 Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
 Eston, M. J. (Huron-Bruce L)  
 Fop, H. A. (Waterloo North L)  
 Gosh, Hon. S. A., Minister of Citizenship and Culture (St. George PC)  
 Gouds, J. F. (Port Arthur NDP)  
 Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
 Haggerty, R. (Erie L)  
 Johnston, R. F. (Scarborough West NDP)  
 Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
 Kerrio, V. G. (Niagara Falls L)  
 Loughren, F. (Nickel Belt NDP)  
 Lupusella, A. (Dovercourt NDP)  
 Mackenzie, R. W. (Hamilton East NDP)  
 Mancini, R. (Essex South L)  
 Miller, G. I. (Haldimand-Norfolk L)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Neil, H. P. (Quinte L)  
 Peterson, D. R. (London Centre L)  
 Philip, E. T. (Etobicoke NDP)  
 Rae, R. K. (York South NDP)  
 Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
 Reid, T. P. (Rainy River L-Lab.)  
 Renwick, J. A. (Riverdale NDP)  
 Ruston, R. F. (Essex North L)  
 Samis, G. R. (Cornwall NDP)  
 Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities (York Mills PC)  
 Stokes, J. E. (Lake Nipigon NDP)  
 Taylor, Hon. G. W., Solicitor General (Simcoe Centre PC)  
 Taylor, J. A. (Prince Edward-Lennox PC)  
 Turner, Hon. J. M., Speaker (Peterborough PC)  
 Van Horne, R. G. (London North L)  
 Welch, Hon. R. S., Deputy Premier, Minister responsible for Women's Issues and Minister of Energy (Brock PC)  
 Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
 Wildman, B. (Algoma NDP)  
 Wrye, W. M. (Windsor-Sandwich L)







# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Thursday, June 21, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, June 21, 1984

The House met at 2 p.m.

Prayers.

## TABLING OF INFORMATION

**Mr. Conway:** Mr. Speaker, on a point of order: My point of order is offered very much in the spirit of the bicentennial, in which clearly we are as a province and as a Legislature gather together to honour and note all things historical.

I am reminded it is almost seven years ago that our parliamentary colleague the first minister indicated to this Legislature that he and his government would be prepared to release the report of one Campbell Grant into certain disclosures arising out of the diary of one Harold McNamara. It is almost two years since the first minister last gave us an assurance that the Campbell Grant report would be released.

We on this side of the House are in most matters, I think, reasonable and tolerant men and women. But I would have thought that, if for no other reason than to commemorate this great historical event we know as the bicentennial, the Premier (Mr. Davis) would want to make a personal contribution by laying before this House, before its adjournment, close to the seventh anniversary of his first promise—keeping in mind, of course, that we are told he is a man who can and will keep the promise—the report of one Campbell Grant into the matters arising out of the Harold McNamara diary.

I believe the Premier can do it, and I would like him to do it to this Legislature on that account, since it is almost seven years since he first made the promise.

**Mr. Speaker:** I must point out that was hardly a point of order, and it would have been better addressed in the oral question time.

**Mr. Nixon:** Mr. Speaker, I rise on another point of order on your ruling. When an honourable minister makes a commitment to the House, it is registered in Hansard, observed by the members and the Speaker. If there is then no response, surely it is within our abilities to raise it as a point to bring it to your attention and, through you, to the people whose promise is as yet unkept.

**Mr. Speaker:** As a matter of fact, if you had noticed, that is exactly what I let you do. Undoubtedly the Premier has taken note of the comments by the member for Renfrew North (Mr. Conway).

## JUSTICES OF THE PEACE

**Mr. Roy:** Mr. Speaker, I rise on a point of order pursuant to standing order 19(d)7. Ever mindful of the reverence with which this government adheres to the rules of sub judice, I would like to raise as a point of order or privilege—this is one opportunity for you to decide; it is either one—the comments of the Attorney General (Mr. McMurtry) regarding the decision of Mr. Justice Ewaschuk. Members will recall the decision dealing with the independence of the justices of the peace in Ontario.

The Attorney General said, “I do not agree with”—he is talking about the ruling—“at all. The decision contains a large number of serious errors in law and is being appealed immediately.” Further, in a response to the judge’s comments that the salaries of the justices of the peace are shockingly inadequate, the Attorney General said the view of the judge was “gratuitous, wrong and has nothing to do with this case.”

We have been admonished repeatedly by the Attorney General for abusing the rule of sub judice in this House and for asking questions. The Attorney General very recently admonished even members of the press for their comments and coverage of the Grange inquiry. In his comments, the Attorney General abused this standing order. Second, he came very close to being contemptuous of the courts. Referring to the Ouellet decision at the federal level, these comments of the Attorney General are not becoming to the chief law officer for the crown.

**Hon. Mr. Norton:** What he said has nothing to do with—

**Mr. Speaker:** Order, order.

**Mr. Roy:** You, with the QC—

**Mr. Speaker:** Order. In my opinion that is hardly a point of order. However—

**Mr. Roy:** I gave you a choice; it is a point of privilege.

**Mr. Speaker:** It is neither, with all respect.

**Mr. Roy:** A point of information; a point of honour. You should speak to the Attorney General.

**Mr. Speaker:** No. You know I cannot do that, but I am sure the Attorney General will take note of what you have said.

#### TABLING OF INFORMATION

**Ms. Copps:** Mr. Speaker, I have a point of privilege relating to a statement made by the then Minister of Health in 1981 with respect to implementation of integrated homemaker services. The Speaker will no doubt be aware that this program was originally announced in October 1981 and that there has been a promise to implement it every year since October 1981.

The current minister announced there would be an integrated program which was to be phased in. That was announced on April 30, 1984. I am sure the Speaker would join with me and all members of the House in agreeing that it is a point of privilege when there are statements and promises made over a period of four years running that have been left unattended. I wonder if I could ask the Speaker to prevail upon the minister to give his credibility another chance by rising in the House and stating that the homemakers program will be implemented immediately.

**2:10 p.m.**

**Mr. Speaker:** You are asking me to do something that is beyond my jurisdiction and authority. It can hardly be construed as a point of privilege. Again the minister has undoubtedly taken note of what you have said. I suggest you put the question to him at the appropriate time.

**Mr. Nixon:** Mr. Speaker, on a point raised previously, the Minister of Health (Mr. Norton), by way of a sotto voce interjection, said he would be glad to respond, but you have ruled it is not a point of order. Wanting to obey the rules and coming under your direction, we are not going to have the benefit of his response to this matter.

I simply draw to your attention that this is a commitment made by the minister in the House and to the House some years ago. Since he has never said anything about it, we feel our privileges have been injured, at least in that small degree.

**Mr. Speaker:** I appreciate the point you are making, and I am not in disagreement, but I think we do have an order of business and it would be better placed during oral question period.

**Mr. Ruston:** Mr. Speaker, on a point of order: On April 30, I asked a question of the Provincial Secretary for Justice (Mr. Walker) about Judge Henrikson in the city of Windsor. He has been receiving a salary for three years, yet nothing has ever been done about it. It seems to me somebody over there ought to be able to tell us what is going on.

**Mr. Speaker:** Once again, I am sure the Provincial Secretary for Justice will take note of your remarks.

**Mr. Nixon:** We have asked the question.

**Mr. Speaker:** I know you have, but it is beyond my authority to impose on or force anybody to make a statement if he is not so inclined.

**Mr. Epp:** Mr. Speaker, from time to time you say the government keeps on taking note of these things. We need more than just taking note. We are looking for some answers to these questions and we are not getting them. Can you now admonish the government to do something for this Legislature from time to time?

**Mr. Speaker:** I must point out to all honourable members, as you all know so well, that I am a servant of all members on all sides of the Legislature. It is not for me to admonish or direct anyone.

**Mr. T. P. Reid:** Mr. Speaker, on a point of order: On May 1, the Minister of Health was questioned regarding his government's two-year-old promise to extend the assistive device program, which currently covers children only up to age 18, to cover the adult disabled in the province as well.

In response to that question, the minister stated he had a number of proposals under consideration and he expected to report to the House of the future of the program before the end of the session, which may well be tomorrow.

I am sure the minister does not wish the House to believe he is flouting his privileges or purposely ignoring the plight of many adults who are confined to their homes or hospital beds because they cannot afford the assistive devices they require. I suggest, therefore, that the Minister of Health take this opportunity to announce the extension of the program.

**Mr. Speaker:** Again, that is hardly a point of order. I suggest the honourable member put the question directly to the minister at the appropriate time.

**Mr. Elston:** Mr. Speaker, I have a point of privilege surrounding a decision with respect to soft drink container regulations that came before



the former Minister of the Environment in 1983 and the present Minister of the Environment (Mr. Brandt) in 1983 and 1984.

During estimates, when we questioned the current minister, we were given to believe that a decision would be made by the end of December 1983. Then we were told it would be made early in the new year. As a result of a question asked on April 27 in this House, we were advised that there would be a reply and a statement made with respect to the decision very soon.

We know it is before the cabinet. We know the minister has undertaken to advise us very shortly. We also know he is holding up to ransom the plans of a very major industry in this province. I think it is about time that minister fulfilled his obligation made to us in this House and in a committee of this Legislature.

**Mr. Speaker:** Once again, I point out to all honourable members that the points raised up to this time can hardly be construed or accepted as points of privilege or points of order.

**Mr. Boudria:** Mr. Speaker, on a point of privilege: On April 27, I asked the Minister of Consumer and Commercial Relations (Mr. Giguère) when he planned to amend the Vital Statistics Act to permit the surname of either parent or both to be given to a child.

At that time the minister responded by stating, and I quote from Hansard, "this policy is in progress and I expect some steps will be introduced very shortly." Two months have passed since then. Children are still being kept without a name and the minister has not fulfilled his commitment to this House.

**Mr. Speaker:** Once more, I suggest to the honourable member that a more appropriate time to deal with this would be during oral questions.

**Mr. Van Horne:** Mr. Speaker, I have a point of personal privilege related to the Ministry of Natural Resources.

On a number of occasions we in this party have asked the minister to release the report of the committee on forest utilization practices in the forest industry in Ontario. That committee was established in June 1982, and the report has been on the minister's desk since June 1983. The review was a follow-up of a report done by an in-house committee in the Ministry of Natural Resources in 1979 and was never released. Wasteful cutting practices remain a major concern and problem in the regeneration of our dwindling forest resources.

In view of those facts, I think it is only fair and reasonable for us to ask again that the minister release this report now.

**Mr. Speaker:** Obviously the minister is not in the House and therefore he cannot table the report right now. I suggest the honourable member put his question directly to the minister when he does come into the House.

**Mr. Mancini:** I see you are much more accommodating today, Mr. Speaker.

On March 22, you may recall we raised the issue of a labour forecast report which had been completed by the Ontario Manpower Commission but which was being suppressed from public release. This report, entitled *Labour Market Outlook for Ontario: A Five-Year Projection*, was supposed to be produced annually. So far, only one issue has been published, and that was in November 1981. We have been told the report was completed earlier this year but a release policy has not been developed by the Ontario government.

Since this government does not like the way forecasts on skilled labour shortages have been used in the past because they have demonstrated that the colleges and universities are not working in a coherent fashion with the private market and have embarrassed the government, one can only assume that is why it is keeping this information secret.

It has been stated by the Ontario Economic Council, and I quote, "It is important for government to strive to obtain and disseminate accurate forecasts of medium-term labour market development so workers can be guided into training for skills that are expected to be in demand."

In view of the fact that there are 45,000 jobs in the skilled trades area that cannot be filled because of this government's lack of a coherent skills training job program, Mr. Speaker, I ask you to help me in getting the release of this report so we can disseminate it throughout Ontario and help workers in the future.

**Mr. Speaker:** As all honourable members know, I am here to give assistance to all members. There is no way I can demand the release of a report from any ministry, however. That decision has to be made by the minister involved.

**Mr. Kerrio:** The only assistance you have been to Remo is helping him out of the House.

**Mr. Speaker:** No, I think I listened to him very attentively today and with great interest.

**Mr. Bradley:** Mr. Speaker, I am sure you can help me. Although you have not been able to help others, you might be able to help me.

**Mr. Rotenberg:** Boy, do you need help.

**2:20 p.m.**

**Mr. Bradley:** Listen to the master of witticisms over there.

On May 17, my colleague the member for Windsor-Sandwich (Mr. Wrye) asked the Provincial Secretary for Social Development (Mr. Dean) why the single disabled were still receiving \$300 a month less in financial assistance than the single elderly. This was the last in a series of inquiries about this discrepancy. On April 2, my leader asked the same question and received the same reply: he should wait for the budget. We waited and there was nothing in the budget.

On May 17, the answer was that such matters as pensions are always under review. We are still waiting, and I am going to ask your assistance, Mr. Speaker, because I am sure the provincial secretary does not want such an obvious inequity to continue any longer. I request your assistance in extracting from him an announcement regarding an increase in the level of financial assistance for the single disabled before the end of this session. Can you help me, Mr. Speaker?

**Mr. Speaker:** I think the best advice and assistance I may give you at this time would be that you ask the minister directly in the next order of business.

**Mr. Nixon:** We asked twice.

**Mr. Speaker:** I know, but keep on.

**Mr. Nixon:** As you know, we are right at the end of the session.

**Mr. Speaker:** No, I do not. The honourable minister has taken note of what you have said and will act, I am sure.

**Mr. Breithaupt:** Mr. Speaker, on a point of privilege: This is with respect to a question asked of the Attorney General (Mr. McMurtry) almost a month ago, on May 24, with respect to the promise to introduce legislation that would entail the automatic enforcement of maintenance orders, including garnishment of wages. The Attorney General stated at that time that the Deputy Premier (Mr. Welch) would be announcing certain specific initiatives, but that has not occurred.

With the session about to end in the next several days, I recognize we may be in some difficulty in having these kinds of matters in place and enforceable for the next several months until the fall session begins. I am sure the Attorney General comprehends the importance of this legislation. Perhaps you, Mr. Speaker, could encourage him to keep his word as it was announced a month ago in order to have this

legislation announced and a clear commitment made by this government.

**Mr. Speaker:** I am sure the member for Kitchener has had the undivided attention of the Attorney General, as I have observed, and I am sure he will take very serious note of what you have said.

**Mr. Spensieri:** Mr. Speaker, on a point of privilege: I am sure the Speaker will appreciate how sparingly I have used this route in the past, so what I am about to say must be of some significance. On May 14 the Minister of Consumer and Commercial Relations (Mr. Elgie) indicated to this House that he would be indicating to us when the Thom commission report on rent review would be handed down.

Interjections.

**Mr. Spensieri:** This is a matter of some strategic importance, if the member will pipe down. It is a matter of great importance to some 25,000 tenant households in my riding, and I therefore ask the Speaker's assistance in prompting the minister into at least giving us an update as to when this report may be expected to be tabled and what the route for public dissemination will be.

**Mr. Speaker:** The minister has obviously given his undivided attention to your observations.

**Mr. Nixon:** Why do you not just squeeze the information out of him?

**Mr. Speaker:** Do not ask me to squeeze the information out of him. I suggest, in all seriousness, that you place the question at the appropriate time directly to the minister.

**Mr. G. I. Miller:** Mr. Speaker, on a point of privilege: On June 7, I questioned the Minister of the Environment (Mr. Brandt) on International Minerals and Chemical Corp. and its role in clearing up the waste site at Port Maitland in the town of Dunnville before the plant closes. At that time the minister promised to check with his staff and report back to the House.

As yet, we have had no response to this issue, which could affect the lives of many people in my riding. While the government procrastinates, many of my constituents live in fear of toxic waste and radiation affecting their land and water supply. I am sure the minister is aware of these concerns and will therefore keep his promise and report to the House before the session ends.

**Mr. Speaker:** I do not think that was a question, with all respect, but it was a good point, and I would ask the honourable member to address the minister at the proper time.



**Mr. T. P. Reid:** Mr. Speaker, on a point of order: On May 4, 1984, I brought to your attention the fact that I had been trying since January, without success, to obtain an annual report of the Board of Industrial Leadership and Development program, including a list of all projects and funding commitments. I am still trying, and still without success.

When Judy Steed of the Globe and Mail asked BILD secretary Blair Tully about this issue he stated there may not be a report this year because "there is so much flak when we do."

Surely there is something drastically wrong when the government refuses to provide to the opposition, the media and the public the most basic information about what it claims to be the cornerstone of its economic strategy simply because it has not received the reception it wanted in the past.

I am sure you will agree, Mr. Speaker, that smacks of a type of information control anathema to a democratic society. I hope you will direct the government members to reconsider their coverup.

**Mr. Speaker:** As I already have advised all members, it is beyond my jurisdiction and authority to direct people to provide information. I would again suggest that the member place the question directly to the minister at the appropriate time.

#### ACCIDENT AT FALCONBRIDGE

**Mr. Rae:** On a point of order, Mr. Speaker: Without taking away at all from the rights of any members who feel their privileges have been abused, I wonder whether I might ask for the unanimous consent of the House so at least we could hear the statement of the Minister of Labour (Mr. Ramsay) with respect to the accident that took place in Sudbury yesterday.

**Hon. Mr. Davis:** It is not important to them.

**Mr. Rae:** Most of us want very much to hear what the minister has to say. I wonder whether it would be possible for us to hear that, and then perhaps we can revert to the points the members want to make.

**Mr. Conway:** On a point of privilege, Mr. Speaker: The first minister, the member for Brampton (Mr. Davis), said in a very loud interjection that the report of the Minister of Labour on the very great tragedy in Sudbury was not of importance to members of the official opposition.

Mindful of the Premier's injunction from the Hawaiian shores of last fall, "Let's not be personal," I rise in my place to demand that the

first minister, our parliamentary colleague, retract that outrageous and abusive remark.

**Hon. Mr. Davis:** Mr. Speaker, now that the honourable member's interest is focused on the statement from the Minister of Labour, I am delighted. I will withdraw it.

**Mr. Speaker:** We have a request from the member for York South (Mr. Rae) for unanimous consent to hear the statement of the Minister of Labour. Do we have unanimous consent?

Agreed to.

#### STATEMENT BY THE MINISTRY

##### ACCIDENT AT FALCONBRIDGE

**Hon. Mr. Ramsay:** Mr. Speaker, yesterday, with the consent of the House, I provided honourable members with a report on a serious mining accident that had occurred earlier that day at the Falconbridge mine. I now have some further details, some of them encouraging but, I regret to say, some of them tragic, that I would like to share with members, who I am certain are as concerned as I am for the lives and safety of the miners involved.

Yesterday, at 10:12 a.m., the first of seven rock bursts occurred at the main mine of Falconbridge Ltd., near shaft 5. The burst occurred at about the 4,000-foot level. The epicentre of the burst was close to the hoist room pillar of shaft 9.

At the time the burst took place, there were some 170 miners underground. I regret to report that as of 12 noon today, the body of one miner has been recovered. I am certain that the members join me in extending condolences to the family and friends, including the co-workers, of the deceased miner.

The miner who had been trapped, I am pleased to say, was freed as of 1:07 p.m. and is now in hospital. We are awaiting word of his condition. As yet, two miners remain trapped in the debris.

The remaining miners escaped through the east mine shaft and shaft 5 and were on surface by 4:20 p.m. yesterday. The main mine has been closed and will not reopen until the mine and hoist shaft 9 have been thoroughly inspected.

#### 2:30 p.m.

Since the rock burst occurred, the mine rescue teams at Falconbridge Ltd. have been working around the clock to locate the trapped miners. At the same time, the company's ground control experts, with the advice of the chief mining engineer of the ministry's mining health and safety branch, who is a ground control engineer himself, have been in the mine to assess the

stability of the remaining ground support structures.

Until the remaining two miners have been found, and we pray they will be alive, the attention of the employer, the union and my officials will be focused on the rescue mission so that those involved are not trapped themselves. Once the present crisis is over, my officials will commence their investigation into the cause of this accident.

Honourable members may recall there have been two major reports made by commissions into the health and safety of workers in mines within the last eight years. The first, the Report of the Royal Commission on the Health and Safety of Workers in Mines, chaired by Dr. James Ham, was presented in 1976 and was actually the model for the Occupational Health and Safety Act. The second, the Report of the Joint Federal-Provincial Inquiry Commission into Safety in Mines and Mining Plants in Ontario, headed by Kevin Burkett, was issued in 1981.

My officials have worked with employers, unions and appropriate organizations to review and implement the commission's recommendations. My predecessor, the member for York East (Mr. Elgie), and I, along with my senior ministry officials, have met with senior representatives of labour and management on a periodic basis to receive status reports on the implementation of the Burkett commission's recommendations. The report contained 83 important recommendations, the vast majority of which have been implemented.

**Mr. Mancini:** Mr. Speaker, as the Labour critic for the Ontario Liberal Party, I want to offer our party's condolences to the family that has lost a loved one in this very tragic and unfortunate accident. We agree with the Steelworkers union president that a full provincial inquiry must be held and that labour and management must be included in that inquiry.

We pray and hope for the safety of the other two miners who are missing at the present time. I am sure all members of the House feel considerably grieved by what has happened, and we certainly hope for the best as far as the outcome is concerned.

**Mr. Martel:** Mr. Speaker, I welcome the minister's remarks. The whole battle for mine safety has been ongoing. I must say there has been a tremendous improvement over the last number of years, since the time of the Ham commission. We have some way to go yet with

what are probably the most unsafe working conditions possible.

For example, I am not sure how one can ever be alerted to the type of accident that occurred yesterday. It indicates, however, that there is still room. I think this minister and those of us over here who are going to meet with him later in the year will continue to try to make the occupational work place as safe as is humanly possible.

Like the minister and the member who spoke before me, we offer our condolences to the families of the miner whose body has been recovered and the other miner who has been taken to hospital. We hope those who are still to be found will be safe and sound.

I spoke to the union before I came into the House. I might indicate that there have been two more cracks underground while the men have been working. The bursts have continued. I think the men who are working there are in some danger because of two further blasts earlier this morning. Even as they are working now their own lives are in danger, but they are down there. That is the quality of the men I and my colleague the member for Nickel Belt (Mr. Laughren) happen to have the pleasure of representing.

[Later]

**Hon. Mr. Ramsay:** Mr. Speaker, I wonder if I can have consent to bring a rather tragic update.

**Mr. Speaker:** Can we turn the clock off? Go ahead.

**Hon. Mr. Ramsay:** I am very dejected to advise that the rescued miner who was brought out at 1:07 today died at 2:30 this afternoon in the hospital in Sudbury.

#### TABLING OF INFORMATION

**Mr. Elston:** Mr. Speaker, I have a continuation of the point of privilege I had begun before we gave unanimous consent to the Minister of Labour (Mr. Ramsay) to address this august body on the obviously critical situation at the Falconbridge mine.

My point surrounds the issue of a health study that was done on the Pauzé landfill site in Tiny township, which was the subject of a question on April 30 this year to the Minister of Health (Mr. Norton). He advised us at the time that he would speak with the Minister of the Environment (Mr. Brandt), if he could catch up with him, and would then provide us with details of the results of that report so we could alleviate the fears and the difficulties under which the people of Tiny township have been living for several months as a result of the outflow of toxics from that waste site.



Mr. Speaker, I would ask that you once again use your good offices to provide the extra push that the Minister of Health needs to catch up with the Minister of the Environment so they can at least have a tête-à-tête to get the results of this report in front of the public, as they have promised us as representatives of the province.

**Mr. Speaker:** Again the only thing I can say is that the minister will take note of your remarks, or you may raise this question directly with the minister during oral questions.

**Mr. J. A. Reed:** Mr. Speaker, on a point of privilege: This relates to a question asked last December 13 of the Minister of the Environment concerning the federal-provincial task force commissioned to study ways to clean the English-Wabigoon river system. I know the speaker is aware that this issue has been going on for 14 years.

The minister gave us some cause for hope in December. He said that as soon as the study was available he would be pleased to release it. Our information is that the study was complete and available last May. Therefore, I would ask the speaker if he would see to it that the minister lives up to the promise he made in December.

**Mr. Speaker:** Flattering as all the attention directed in the requests for the Speaker to do things may be, I point out to you again that it is beyond my authority and jurisdiction to do so. However, I can again say that you may raise this directly with the minister at the appropriate time, or that the minister has taken note of what you have said.

**Ms. Copps:** Mr. Speaker, I have a point of order. My point is in reference to standing order 1 with respect to written questions. It concerns a question I tabled with the government on May 9, 1984, which question seemed to me to be fairly clear-cut. It deals with the Women in Rural Life—the Changing Scene conference that is being held today. The question was what it was costing to bring Adrienne Clarkson over from France so she could articulate for the rural women of Ontario the kind of expertise she supposedly has in this field.

The question was fairly direct. Two weeks went by and I did not receive a response. I tabled notice again with the House leader responsible, and I still have not even received an interim answer on what appears to be a fairly straightforward question.

Is the government waiting until the House is over so it can muzzle the kind of information that includes the cost of transportation of a representative from Paris so she can come to talk to rural

women in Ontario about the status of agriculture in Ontario? Are we being muzzled? I think you should find out, because we have not had an answer to a question that was tabled last month.

**Mr. Speaker:** I point out again with great respect that I know very clearly what the standing orders say, but they do not give authority or jurisdiction to the Speaker to demand an answer from anybody.

**Ms. Copps:** It says 14 days, at least an interim answer.

**Mr. Speaker:** I know what it says; I just read it. But it is beyond my authority to demand it.

**Ms. Copps:** Who enforces the standing orders?

**Mr. Speaker:** You know very well who enforces the standing orders. But I cannot force anybody—

**Ms. Copps:** This is in the standing orders. I am supposed to have an answer within 14 days.

**Mr. Speaker:** Order.

**Ms. Copps:** I do not even have an interim answer. Who enforces the standing orders?

**Mr. Speaker:** I do, of course.

**Ms. Copps:** It is in the standing orders. I am supposed to get a response within 14 days. I am still waiting and I have already served notice after the 14-day period. This is a legitimate point of order.

**2:40 p.m.**

**Mr. Speaker:** Certainly. I am not saying it is not. I am just saying the minister is the one who has to provide that answer.

**Ms. Copps:** What recourse is there to enforce the standing orders?

**Mr. Speaker:** Exactly what you have done. You have made the point very well.

**Ms. Copps:** Is there not moral suasion?

**Mr. Speaker:** Sure.

**Ms. Copps:** Your moral suasion did not work last week, so perhaps you could up the ante a bit.

**Mr. Speaker:** Thank you.

#### WINTARIO CAPITAL GRANTS PROGRAM

**Mr. O'Neil:** Mr. Speaker, this may involve the Premier (Mr. Davis). I notice him sitting in the background. I wonder if I could call this to his attention. I do not know if it is a point of privilege or a matter of correcting the record from yesterday. I do not know whether it deals with the Premier or the Minister of Tourism and Recreation (Mr. Baetz).

Yesterday there was a discussion about, and information was given concerning, the premature release of information on Wintario capital grants for political purposes. The record should be corrected to show that the information given to the mayor of Trenton by a personal phone call was not given on the day of the announcement. I made a mistake on that. It was given the evening before by a person the mayor referred to only as Buttermilk Bill. We would like to know if the Premier is this mysterious Buttermilk Bill who made the call to the mayor. If not, who is Buttermilk Bill?

**Hon. Mr. Davis:** Mr. Speaker, I think—

**Mr. Martel:** Mr. Speaker, on a point of order: I really do not like to get involved in the theatrics, but there is no point of order. I do not know why you invite the Premier to answer to something that is not a point of order.

**Mr. Speaker:** Did I say it was a point of order? The member for Quinte (Mr. O'Neil), as I clearly heard, said he was standing up to correct the record. During the course of that—

**Mr. McClellan:** What does he have to do with it?

**Mr. Martel:** What does he have to do with it?

**Mr. Speaker:** He made a remark addressed specifically to one of the honourable members.

**Mr. Martel:** That is nonsense.

**Mr. Speaker:** He did.

**Mr. Martel:** I am aware of what he did. You do not invite the Premier to respond. It is not even a point of order and you are inviting him to respond.

**Mr. Speaker:** He did not rise on a point of order.

**Mr. Martel:** Why are you asking the Premier to respond?

**Mr. Speaker:** I did not invite him. The member for Quinte invited him.

**Hon. Mr. Davis:** Mr. Speaker—

**Mr. McClellan:** So we do not have questions; we have invitations to the Premier. That is good.

**Hon. Mr. Davis:** I say to the member for Bellwoods (Mr. McClellan) that I stood in my place after the member for Quinte and all the Speaker did was say "Mr. Premier." He said that after I was on my feet.

**Mr. McClellan:** You went like that to the Speaker and he ruled in your favour. That is what happened. You wagged your finger at the Speaker and he let you rise.

**Mr. Bradley:** We want to be fair.

**Hon. Mr. Davis:** I know the member for St. Catharines (Mr. Bradley) always wants to be fair. The member for Brant-Oxford-Norfolk (Mr. Nixon) needs to hold his hand over the member's head; he should do it more regularly.

I must comment that I think the point raised by the member for Quinte is not consistent with the strategy I know the Liberal caucus has been developing over the morning, which leaked to us a while ago. It probably is more relevant and contemporary than some others.

I can understand the concern of the member for Quinte. There is a little history to this, and I will tell him all I know about it. I went to Trenton and shared an evening with the member. He was very kind to the Premier of this province in his observations, and I like to think I was equally generous in my remarks. It was a very nonpartisan, nonpolitical event.

As is my custom during these visits, I did consult with certain people who have positions of responsibility in the communities. I was also in Belleville and met with the chief magistrate of the member's home community. We share certain interests and certain thoughts. He brought to my attention his great interest in an application involving an ice surface or arena. I told him I was not familiar with all the details, but said I would certainly pursue it.

I assumed the community had raised the funding, which I gather is true. The service clubs, or whoever, had raised their part of the funding. I did comment on the validity of the proposal. As a result, I did communicate the interest in this project I had received from the mayor, whose virtues the member extols publicly on so many occasions.

I may have seen the mayor again since that date in Picton some weeks ago. I am not sure whether he was there. I know why the member is so concerned and so interested and why he is a little nervous about the mayor of Trenton receiving some degree of credit in this issue. I understand it all and I know his nervousness, but I have to tell him I have not talked to the mayor of Trenton in the last two weeks and he received no communication from me.

While I am a great supporter of dairy products—I drink more milk than the leader of the Liberal Party and less of the other stuff than he does—and I like apple juice, strawberries, etc.—I confess I do not drink buttermilk.

**Mr. Peterson:** I prefer not to think of the Premier as Buttermilk Bill anyway; I prefer to see him as Baseball Bill.



## TABLING OF INFORMATION

**Mr. Peterson:** Mr. Speaker, you can see the frustration of the members of the opposition in this House. We believe you have a duty to discharge the standing orders of this House. There have been many violations pointed out to you. We are saying you have to assume your responsibility. We have asked questions orally, in written form and in a variety of forms; yet this government continues to be extremely secretive. It is obsessed with secrecy, as evidenced in its last so-called freedom of information bill.

It seems to me, with the advice of your advisers at the table here, you must seriously consider your responsibility in making sure this government lives up to its promises, in making sure—

**Hon. Mr. Davis:** Why do you not do your job?

**Mr. Peterson:** What does the Premier mean? We are doing our job. Why does he not honour some simple promises he made in this House?

**Mr. Speaker:** Order.

**Mr. Peterson:** Your determination, sir, is to find out when an elected political party becomes an elected dictatorship. That is what is happening in this government. The extreme arrogance of this government is not serving the process well in Ontario. I would like you to consider what you have heard today and come back to the House as soon as possible with the remedies you have available to you. Obviously, they are not going to do anything.

2:50 p.m.

## MEMBERS' EXPENDITURES

**Mr. Peterson:** Mr. Speaker, I have a point of clarification arising out of the exchanges on Tuesday about the publishing of expenses. I want to refer you to the headline in the Ottawa Citizen today that says, "Boudria Heads Annual MPP Expenses List." It goes through the various expenses but in the body of the story it says, "In fact, Davis' expenses in Tuesday's documents amounted to \$44,823, half of Boudria's."

Mr. Speaker, you can see the distortion that was presented by those documents that were tabled. You are mindful now of the points brought forward to you by my colleagues on this side of the House. You do have a remedy. I am asking you to clarify the situation so that the people who were misinformed, shall I say, because of headlines of this type will clearly understand that this is not factually the case, that

the Premier's expenses are many times those of any other member in this House.

I am not saying they should not be, but what I am saying is he has an obligation to report that fairly. When we do not account for or even report private plane trips to private baseball games and private Ontario Provincial Police boats and that kind of thing, when this kind of discrimination is promoted against a private member, then I think you have personally, through the chair, sir, an obligation to correct the record. I am asking you to do that.

**Mr. Speaker:** I just want to assure the Leader of the Opposition and indeed all honourable members in this House that I shall enforce the standing orders as they are written and as I am directed by various members from time to time. I shall be very happy to take the matter under advisement and to take the advice of my advisers and others.

Without making any snap judgement on it, I would like all parties to consider that the latter part of your point of clarification may, and I say may, better be considered by the Board of Internal Economy.

**Mr. Martel:** I tried that. They would not do it. You fellows would not go along with it.

**Mr. Speaker:** Order. It is the board that makes the decisions, not the Speaker. I will be very happy to do that.

**Mr. Boudria:** Mr. Speaker, I rise on a point of personal privilege. You will know it is my privileges as an MPP that are affected in this case.

I want to draw to your attention, sir, that in the same article, it does say—in smaller print of course—"Boudria's translation costs were the highest of any MPP." I do not apologize for representing a riding that has 80 per cent francophones, the largest number of unilingual francophones in Ontario. It says further that the cost of that was \$8,000 and long-distance charges were \$10,612, because this government does not provide my constituency with a tie line.

I draw your attention, sir, to standing order 19(a) of this Legislature, which says I have a right to address this Legislature and to do my work here in either French or English. That privilege is not one that I designed but is one this Legislature gave to me as a member. Notwithstanding the fact that I can use both languages here, I can be heard in only one and I accept that. What I fail to accept is that I am earmarked as being \$8,000 more expensive than anyone else here because I use those privileges that have been afforded to me by this Legislature.

If the day ever came where I spoke only French in this House and had all 124 members do the translating, this Legislature would not save any money by my doing so. I think I have been co-operative in that regard, but it is becoming increasingly difficult for me to accept this as a representative of a francophone community. Those kinds of headlines are very difficult for me. I ask you, sir, to take under advisement that these rules must be changed.

If other members use the legislative library, they are not charged for using it. It does not say member X has used the library. If other members use another facility around this place, or a public address system to address their constituents on the front steps, they are not tagged so much for having used that service.

Mr. Speaker, I ask of you, why do I have to be earmarked, tagged, for serving francophones?

Je suis d'avis, M. le Président, qu'il est grandement temps que cette Assemblée change cette pratique qui, mon avis, est totalement discriminatoire envers non seulement moi-même, mais tous les francophones de notre province.

Mr. Speaker: I would like to impress on the honourable member and others that nobody—I want to emphasize that—is denied his rights.

Ms. Copps: He is being surcharged.

Mr. Speaker: I know what the problem is, and we are taking that under advisement.

Mr. Martel: Since when?

Mr. Speaker: Since when what?

Mr. Martel: Since when are you taking it under advisement? They have turned it down at the board every time I have gone up there.

Mr. Speaker: With all respect, I am the chairman only.

#### VISITORS

Mr. Speaker: Just before we proceed with the regular business of the House—

Mr. Roy: I thought we were doing it.

Mr. Speaker: Not yet.

I am pleased to draw honourable members' attention to a distinguished group of parliamentarians from Saskatchewan who are in the Speaker's gallery and who are here as guests of the Ontario branch of the Commonwealth Parliamentary Association: Mr. Grant Schmidt, MLA for the riding of Melville, Saskatchewan; Mrs. Evelyn Bacon, MLA for the riding of Saskatoon Nutana; and Mr. Lloyd Muller, MLA for the riding of Shellbrook-Torch River.

#### ORAL QUESTIONS

##### CHAIRMAN OF METROPOLITAN TORONTO COUNCIL

Mr. Peterson: Mr. Speaker, I have a question for the Premier.

At present there is a great deal of jockeying going on downtown to determine who the next chairman of Metropolitan Toronto will be. Given that one of the major impediments to reform with respect to the appointment of that chairman is now gone, or has indicated he is about to retire, and given that two ministers have now publicly indicated different positions in the last 24 hours—the Minister of Intergovernmental Affairs (Mr. Wells), I gather, wants no change; the Minister of Municipal Affairs and Housing (Mr. Bennett) is prepared to look at some change and has indicated his personal opinion that there should be some democratic accountability for the Metro chairman—what is the Premier's position?

Is he prepared now, given this new opportunity, to reassess the position of his government to make sure there is democratic accountability at Metro council?

Hon. Mr. Davis: Mr. Speaker, I was not here yesterday because I was—

Mr. McClellan: Why do you not just auction it off?

Mr. Speaker: Never mind the interjections, please.

Mr. Martel: If you offer the chairmanship you might be able to deliver.

Mr. Speaker: Order.

Hon. Mr. Davis: I know the chairmanship you want.

I understand this question was raised yesterday by—did the Leader of the Opposition raise it yesterday?

Mr. Martel: No, we did.

Hon. Mr. Davis: So you are following them with your question today. They were ahead of you again, in other words.

Mr. Nixon: They must be in bad shape if you are trying to bump them up again.

Hon. Mr. Davis: No, but I know what kind of shape you are in.

3 p.m.

I think the Minister of Intergovernmental Affairs answered it yesterday. Some reference has been made to the Minister of Municipal Affairs and Housing. I gather from the press he indicated that if we were to be approached by Metro, then one might review the situation. I am not nearly as familiar with the situation down-



town, as the Leader of the Opposition calls it, as he may be; I do not pick up all the rumours and get involved in all the discussions going on. But quite obviously, if Mr. Godfrey's resignation is to take effect, say, some time in September, there will not be any altered system for the next chairman of Metropolitan Toronto.

**Mr. Peterson:** The Premier is the one who was aware of the resignation before it was public. He should not kid me about his little network down there.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** We now have an opportunity to reassess this situation. Given the report and recommendation of the Premier's predecessor who looked closely at the situation, may I ask him now to reassess the position of his government? Obviously, it requires a change in legislation here to bring democratic accountability back to Metro council, where we should have it.

**Hon. Mr. Davis:** I must confess I do not totally recall the recommendations, but I will do my best. I think the report did recommend the Metro-wide election of the chairman. I am not sure whether the report went on to say that in the case of the resignation of a chairman in mid-term, whatever that may be, there would be another Metro-wide election to replace the chairman. The honourable member may read that into the report or it may be there as a specific recommendation, but I do not recall it. I could be totally wrong.

I think we are not just facing the question of the principle of whether the Metro chairman should be elected. The leader of the Liberal Party is saying that if there happened to be a resignation, even if that were the process, there would be another Metro-wide election at mid-term for that one position. I assume that is the logic of his argument.

**Mr. Rae:** Mr. Speaker, when the Minister of Municipal Affairs and Housing was responding to comments yesterday, he indicated the government would be prepared to look at and consider a simple requirement that the person who is chosen to be chairman of Metropolitan Toronto at least be required to be a member of the council and run as a member of that council to continue to hold that office.

Does the Premier not think it is democratic and fair that the individual who holds a considerable amount of power and political responsibility in Ontario should have to face the voters of Metro Toronto? Mr. Godfrey did not face the voters for

practically a decade. Does the Premier think that is right? Does he think that is fair? What is he going to do about it?

**Hon. Mr. Davis:** Mr. Speaker, we are faced with a situation where the chairman of Metro council has indicated he intends to resign. It is not really in mid-term; it is a little closer to two thirds of the term. The honourable member is asking me whether the government supports the principle and the concept of an elected chairman of Metro through the route of being elected to Metro council. The minister has said he personally would be prepared to review or discuss that. I think that is what the press statement contained.

We have debated this in the House before. I know the New Democratic Party has advocated a certain position. We as a government have taken a different position. It is a fair area for disagreement. I only point out to the member that on balance, the system has worked relatively well, whether one agrees with it or not. It has been applied in other regional areas of Ontario, not just here in Metropolitan Toronto.

**Ms. Copps:** It is not working in Hamilton, and the Minister of Municipal Affairs and Housing is taking a different position there.

**Mr. Speaker:** Order. Never mind the interjections, please.

**Hon. Mr. Davis:** The member for Hamilton Centre should not talk to us about different positions.

**Ms. Copps:** The Minister of Municipal Affairs and Housing would not allow elections in Hamilton.

**Mr. Speaker:** Order.

**Mr. Epp:** Mr. Speaker, the Premier may be aware that Frank Bean, the chairman of the regional municipality of Peel, stated last January, "Unless the province is willing to make changes, nothing is going to happen." He added that the Minister of Municipal Affairs and Housing was adamant that he did not want to make a change in the system. "He has always resisted it," Mr. Bean said.

On Wednesday morning, in committee discussing the estimates, the Premier may be aware that the Minister of Municipal Affairs and Housing indicated his personal position was that the chairman of Metro council should be elected. The minister made the analogy between the chairman and a minister of the crown. In other words, when a member is appointed to cabinet, he still retains a position in his constituency.

**Mr. Speaker:** Question, please.

**Mr. Epp:** I am just getting to it.

If the minister is in favour of such a change, why is the government opposed to having an elected and accountable chairman? Second, is the Premier going to make such a change, or is he going to continue sitting on the fence in this matter and run the risk of getting a serious case of haemorrhoids?

**Hon. Mr. Davis:** Mr. Speaker, I will not comment at great length on the very sensitive, helpful and constructive observation in the latter part of the honourable member's question, which must be an issue that bothers him far more than it bothers me. I am only guessing at that; I do not mean to be personal, but I see the member is laughing and I assume he has a problem. Is it Preparation-H he should be using? Is that his problem? I do not know. I would say to the honourable member—

**Mr. J. A. Reed:** This debate is getting pretty old.

**Hon. Mr. Davis:** He is worried about my health and I am worried about his. I would say to the honourable member—

**Mr. Rae:** Is this what the privy council is all about?

**Mr. Speaker:** Order. Does the honourable member want an answer?

**Mr. Epp:** Yes, but I don't want the Premier to have a health problem.

#### ACID RAIN

**Mr. Peterson:** Mr. Speaker, I have a question for the Minister of Health. It relates to acid rain, which is no longer just an environmental problem; the evidence is mounting that it is a health problem as well.

The minister will no doubt be aware that this morning the US Office of Technology Assessment issued a report called Acid Rain and Transported Air Pollutants, suggesting that up to 50,000 people in North America could die prematurely as a result of inhaled airborne pollutants. The minister is aware that could translate, on the basis of their figures, to 1,310 people in Ontario dying prematurely because of acid rain.

Given the mounting evidence that it is a health problem, will the minister, who is the minister responsible for health in this province, undertake studies to determine the real effect of acid rain in Ontario?

**Hon. Mr. Norton:** Mr. Speaker, I am not personally aware of the report to which the honourable member refers, other than having

seen some reference to it in the press this morning. I think the first thing for me to do would be to have my staff get a copy of that and other relevant research documents that have been produced on the subject and do a review of the existing literature before determining whether it is an appropriate matter for me to pursue with original research in this jurisdiction.

**3:10 p.m.**

**Mr. Peterson:** Admittedly the evidence is not definitive; but in addition, there is a 1981 report by the Organization for Economic Co-operation and Development dealing with European countries, which found that an expenditure of \$1.2 billion a year was required in Europe to reduce acid gas emissions and could save up to \$7 billion a year in health-related costs.

Given the study by Dr. Ronald Lees, the professor at Queen's University, whom the minister probably knows, which found that medical costs attributed to coal-fired Hydro plants could be as much as \$8 million a year in 1978 dollars, and given the mounting evidence that we have a major problem with acid gas emissions and acid rain here in this province, I am asking the minister to undertake those studies. Does not he not agree with me that there is enough evidence now that it is affecting individuals' health and that it is our responsibility to know those facts?

**Hon. Mr. Norton:** Neither I nor the member is in a position to make the determination as to whether the existing scientific evidence would justify that kind of undertaking in this jurisdiction. What I suggested in response to the first question is appropriate in response to the supplementary question. The responsible thing to do would be to have the more expert members of my staff review the existing literature and determine what an appropriate course of action might be.

In conclusion, I would add that in view of the member's endorsement of the report relating to the impact of coal-fired plants, he ought to be singing the praises of Ontario Hydro, since it has gone substantially in the direction of phasing out coal-fired plants in this province in favour of alternative forms of energy production.

**Mr. Elston:** Mr. Speaker, bearing in mind, as the Minister of Health says, that there is a certain hesitation on the part of a former Minister of the Environment to install scrubbers because he was not then convinced there was a great need for them, the fact is there has been an expansion in coal-fired generation as a result of certain accidents which have occurred at other generat-



ing stations. When he was Minister of the Environment, on occasion he made certain inquiries with respect to the implementation of scrubbers and the costs.

While the Minister of Health is talking to his colleague the Minister of the Environment (Mr. Brandt) about Pauzé landfill health studies, will he undertake to relay to him his concern and his objective and considered opinion, and request that those scrubbers be installed at Ontario Hydro plants to reduce the acid rain emissions? That will deal with the problem set out in this study in a real and meaningful way.

**Hon. Mr. Norton:** Mr. Speaker, this is not a new discussion for me to have with the honourable member opposite. We have had it over the last few years, if I recall correctly. I had hoped that by this time he would understand the problem a little more fully. Unfortunately, he does not seem to have developed any greater depth of understanding than he had three years ago. I must have failed in my efforts to share information with him here in the House. I will be quite happy to start all over again now, if he wishes. Perhaps I can abbreviate the response and see if I can jog his memory.

Whatever the current experience of Ontario Hydro with respect to coal-fired generation, the member will remember that there was always a projection, aside from the temporary interruptions of other forms of generation at the moment, that there would be an initial increase in the emissions from fossil fuel-fired generation in this province prior to the triggering of the first target for reductions in emissions in the order that was imposed on Ontario Hydro some three years ago.

The targets that were established for 1986, and subsequently for 1989 or 1990, are still the most ambitious targets for the reduction of acid gases of any jurisdiction I know of in North America. The member ought to remember that there may be a temporary aberration in that—I should not be answering this anyway; it should be the Minister of the Environment.

**Mr. Elston:** He is very well informed on the subject.

**Hon. Mr. Norton:** Yes. He is well informed on the subject. I hope the member will once again endorse the policy of this government with respect to Ontario Hydro.

#### EXTRA BILLING

**Mr. Rae:** Mr. Speaker, I have a question for the Minister of Health about the Canada Health Act, which comes in on July 1, and extra billing. The minister will know that on March 23 his

colleague the Treasurer (Mr. Grossman), talking about doctors who are extra billing, said, "I know many of those doctors and I know many of the patients, and I say that in the vast majority of cases they are extra billing the better-off in society."

Is the minister aware of the fact sheet that has been put out by the Family Services Association of Metropolitan Toronto? I am sure he knows that 90 per cent of the clients of the FSA earn less than \$30,000. Is he aware of the survey of 84 of its clients that this group has conducted? Is he aware that 84 per cent of those extra billed stated that paying the extra money was a problem? Nearly half stated they paid more for medical services than was covered by the Ontario health insurance plan in the last year.

What does the minister intend to do about the continuing problem of extra billing, which hurts the poor more than it affects the rich? It affects the average people in Ontario. It affects practically everyone who needs to have an operation. What does he intend to do to get rid of this absurdity of extra billing at a time when it is against the law of Canada and is something that should be changed?

**Hon. Mr. Norton:** Mr. Speaker, the Canada Health Act does not come into effect on July 1; it has been in effect for some time now. I think the honourable member is mistaken in his statement. He is referring to the fact that if there should be any withholding of transfer payments by the federal government in trust for the provinces, that would trigger on July 1.

With respect to the report done by the Family Services Association of Metropolitan Toronto to which the member referred, I am not aware of it. I have not seen it. I would be quite happy to have a look at it and would then perhaps be in a better position to comment on or discuss it with the member. I would say that if the information as he quotes it is accurate, then that information is not generally consistent with the experience that seems to be indicated across Ontario.

**Mr. Rae:** We have never had a clear answer from the minister. Is it the policy of the government that after July 1 it will continue to allow physicians to extra bill? What in heaven's name is the logic of punishing the average people of this province, such as pensioners and many other people who are living below the poverty line?

What is the good sense of punishing those people when there clearly is a national consensus among all three political parties across Canada that extra billing is not justified or warranted and

is something the government should put an end to? Why does the government continue to allow that practice when it is so clearly against the interests of everyone in Ontario?

**Hon. Mr. Norton:** I recognize the member is free to engage in some rhetorical licence in this discussion, but before he alleges that the present system in Ontario is or has been punitive, before jumping to these kinds of unjustified conclusions, he ought to look at the actual experience and reflect upon that.

The thrust of his question was directed towards a matter of government policy. As he is aware, July 1 is not particularly significant in either the short term or the longer term with respect to the Canada Health Act. It is only a commencement point for the collection of information and, if necessary, the withholding by the federal government of the funds from the province, whether temporarily or otherwise.

We are continuing to explore all the ramifications of a variety of options we have under consideration. I expect that in the very near future, as soon as the dust settles a little there and we know who will be in what role, I shall be engaging in some further discussions with the representatives of the federal government to discuss some of its further interpretations of the implementation of the Canada Health Act. I shall also be consulting with other affected parties before any final decisions are made.

**3:20 p.m.**

**Ms. Copps:** Mr. Speaker, I understood the minister to say he was not aware of the survey. Due to his illness when he first got his portfolio, he had a bit of holiday from some of the opposition members—

**Mr. Speaker:** Question, please.

**Ms. Copps:** —but it is clear the minister, to whose office this survey was hand delivered more than two weeks ago, should be aware of what the Family Services Association of Metropolitan Toronto has found. If he stands here in the House and says this does not concur with the facts he is getting across the province, it is clearly because he is not getting the facts.

**Mr. Speaker:** Question, please.

**Ms. Copps:** Two weeks ago, we raised the issue of Archway Counselling and Crisis Centre. This minister has never even heard of Archway. Today, we raise the issue of extra billing, and this minister has not even heard of the Family Services Association of Metropolitan Toronto survey.

**Mr. Speaker:** Now for the question.

**Ms. Copps:** What is happening within the ministry? Why is he not on top of the issues? Why does he not take the suggestion we made in estimates: that he should conduct a survey of people who are billed by the Ontario health insurance plan across the province to find out what kind of economic impact this is having on low-income families?

**Hon. Mr. Norton:** Mr. Speaker, it is always a matter of consternation for me when I see the honourable member getting so exercised by my behaviour in the conduct of my responsibilities within the ministry. I want to assure her I am reasonably in control of things at the moment. I have not seen the survey that has her so upset. The reason may well be that I happen to receive something in the neighbourhood of 50,000 to 60,000 pieces of correspondence each year directed to me personally.

I do not get a chance to be at the door of my office to have correspondence put in my hands directly, even if it is hand delivered to my office, although I must say I do see during the course of the year essentially all the correspondence. I read it and I also read the responses I send out.

Interjections.

**Mr. Speaker:** Gong. Order.

**Hon. Mr. Norton:** I have not seen that survey but I will get a copy of it.

**Mr. Speaker:** I thank the minister. Final supplementary.

**Mr. Cooke:** Mr. Speaker, I would like to indicate one more statistic from this survey that the family services bureau took: 84 per cent of those who were extra-billed said they had great difficulty in paying the bill.

Because of the lack of statistical information the ministry has, having done no survey, cannot prove its case that people are not suffering from extra billing. Now that we have this survey, what is the minister prepared to do to return universal and equal accessibility to the health care system? We have gone through an entire spring session without one word in the form of a statement about what this government's response is to the Canada Health Act, other than to complain.

What is the minister's response to the Canada Health Act? What is he going to do to see that universal accessibility is returned as the system of this province, as agreed to by all three political parties in the federal House of Commons? When is he going to end extra billing in this province?



**Hon. Mr. Norton:** Mr. Speaker, the honourable member seems to have focused upon only one of a number of options, and it is an option with many variations that could be explored.

Interjections.

**Hon. Mr. Norton:** My colleagues are not being very helpful to me at the moment, but I shall try to suffer through them.

There is really no evidence to support the conclusion that the member has come to with respect to anything impairing the accessibility to health care in this province.

Furthermore, he is focusing upon an aspect of the system that has been part of it since its inception in this province and in most provinces in this country. The survey on which he is placing so much reliance may or may not be of significance. For example, does the member know how those questions were formulated or how that information was collected, and if it has any scientific validity? Those are important questions to be asked about any survey.

I am willing to look at that document and to come to some assessment, provided the people who have produced it can satisfy me about the way the information was collected. If it was collected in a scientifically valid way, then I will treat it appropriately.

**Mr. Rae:** I do not feel any pain at all, Mr. Speaker. You can take the tooth out now.

### INTEREST RATES

**Mr. Rae:** My next question is to the Treasurer. I would like to ask him a question concerning interest rates and what is happening with housing starts.

The Treasurer will know that in the speech from the throne the government came up with this rosy picture. It said that within Ontario healthy growth in real incomes along with an improved mortgage market should result in a good increase in housing starts in 1984.

The Treasurer will know that since that rosy statement was made, and even as it was being spoken by the Lieutenant Governor, housing starts were stopping in their tracks. The Treasurer will be aware that real interest rates and certainly real mortgage rates are practically at their historic peak, at seven and three quarter per cent in June, 1984, as compared to eight and three quarters which is what they were in those crazy months around September 1981.

Does the Treasurer recognize that we are in an urgent situation concerning housing starts and interest rates? What does he intend to do this summer to see that housing starts are up, housing

opportunities are up, and to see that people can afford to buy the housing that is being built?

**Hon. Mr. Grossman:** Mr. Speaker, I am afraid I disagree with the analysis of the housing starts made by the member. In fact, not more than a week or 10 days ago I got a very good and encouraging letter from the housing groups that had been in to see me in the pre-budget meetings.

In those letters, I think both the groups indicated they had every confidence that we would see about 54,000 to 58,000 housing starts this year, as projected in the budget and indeed projected as long ago as the fall economic statement. Nothing has occurred to date which indicates Ontario will not see that number of housing starts.

**Mr. Rae:** Is the Treasurer denying that a year ago, between January and May, there were 21,000 starts in Ontario? This year, between January and May, there have been 15,000 starts. This is a decline of 29 per cent. In Toronto, the decline has been near 40 per cent. St. Catharines and Niagara are down more than 40 per cent. Is the Treasurer denying this?

Is the Treasurer denying the universal consensus in the Financial Post and the Financial Times, that in every single analysis which is being made today of what is happening in the interest rate market real mortgage rates are very high? This is having a seriously dampening effect on housing starts and on the ability of the average Ontarian to buy a house. Is he denying these facts?

**Hon. Mr. Grossman:** I am denying that housing starts will fail to hit the target we estimated of about 58,000 starts this year. Interest rates are high, but they are not so unusually erratic and out of an expected range that they are causing the kind of consumer reaction and home-buyer reaction the member fears.

I think if we saw another interest rate hike in the next couple of months, it would be quite serious. There is no indication this is going to happen. I can only repeat what I have said. The housing industry reports to us that it still expects to get in the range of 54,000 to 58,000 housing starts this year.

**Mr. T. P. Reid:** Mr. Speaker, the Treasurer must be the only one in the province who holds the position he has just put. Mortgage loans by banks and other mortgage institutions are down. People cannot or will not buy mortgages or take out mortgages. The whole market is coming to a slowdown. The budget was based on a very optimistic view of what the interest rates were going to be.

What is the Treasurer going to do if his rosy projections do not happen as he projected in his budget? What contingency plans or supplementary budgets is he going to bring in, early in the fall, in case this situation increases? Obviously, the prime rate has been going up the last few weeks and the trend seems likely to continue.

**3:30 p.m.**

**Hon. Mr. Grossman:** Mr. Speaker, I was kind of interested to see the prediction of the Organization for Economic Co-operation and Development for Canada for 1984. It was interesting that the OECD, which could hardly be called an erratic or overly optimistic organization, predicted that total real economic growth for 1984 should be 4.5 per cent in Canada. Everyone, even the member opposite, would acknowledge that at this point Ontario is leading—

**Mr. T. P. Reid:** Sure, if interest rates stay reasonable.

**Hon. Mr. Grossman:** You might want to argue with the OECD.

**Mr. T. P. Reid:** Do you not read the business section of the newspaper?

**Hon. Mr. Grossman:** This is in the business section in today's Toronto Star.

**Mr. T. P. Reid:** What did it say on the front page? It said mortgage demand had dried up.

**Mr. Speaker:** Never mind the interjections, please. Now for the answer.

**Hon. Mr. Grossman:** The OECD is predicting that Canada's growth for 1984 will be 4.5 per cent; this is an up-to-date prediction. If Canada is to get 4.5 per cent, then obviously Ontario would have to perform at least at 4.7 per cent if not higher, since Ontario is far and away leading the rest of the country in economic growth.

This is a fairly good read on what is happening in Canada today and it indicates that observers as objective as the OECD predict that our growth will be at the very least at the level predicted in our budget, notwithstanding the interest rate concerns that we all share.

**Mr. McClellan:** Mr. Speaker, I understand that today the bank rate has gone up from 11.84 per cent to 11.98 per cent. I do not know why the Treasurer continues to pretend that interest rates are not going back up and that we are not heading into a major renewal of the slump in the housing industry.

I want to ask specifically about the rental accommodation housing market. Surely the Treasurer is aware, because private industry has

been very candid over the course of the last two years, that the private rental accommodation development industry is simply refusing to build affordable housing. They are saying quite clearly they will not build anything except luxury accommodation under current market conditions and under current government policy. There is not such thing as affordable rental accommodation being built anywhere in this province.

How much longer is he simply going to ignore this reality and remain in a position where he has no rental housing supply programs? He has turned the Ontario Housing Corp. into a holding company. When is he going to initiate a separate provincial rental accommodation supply program, perhaps using the Ontario Mortgage Corp. to provide low-interest loans to nonprofit housing developers? Nonprofit apartment developers are in existence all across this province who are simply waiting for government leadership to build housing, put construction workers back to work and take people off the OHC waiting list.

**Hon. Mr. Grossman:** Mr. Speaker, let me be clear. I did not say interest rates had not been rising; what I did say was that with the 14-basis-point rise today interest rates were still within a range that I believe and have believed should not inhibit activity in Canada as much as many people are saying it has or could. I remain convinced, fortified by the Conference Board of Canada and the OECD—hardly partisan observers of the Ontario scene—that we still will see the kind of economic activity we predicted in our budget.

**Mr. McClellan:** Deal with rental accommodation.

**Hon. Mr. Grossman:** With regard to rental housing and the other matters the honourable member raised, as he knows, those are questions he should raise and has raised with the Minister of Municipal Affairs and Housing (Mr. Bennett).

## CROP INSURANCE

**Mr. Mancini:** Mr. Speaker, my question is for the Minister of Agriculture and Food. The minister may be aware that Essex county tomato farmers and other tomato farmers across Ontario import a good number of plants from Georgia. These plants are then stored in cold storage or in barns for planting at the appropriate time. Due to very poor weather this planting season, many farmers in Essex county were unable to get their crops in the field. In a number of cases, the tomato plants were lost. Many farmers lost 150,000 to 300,000 plants and more.



Can the minister explain to the House why he has allowed the Crop Insurance Commission of Ontario to put in place a policy that would deny farmers insurance coverage for this type of loss?

**Hon. Mr. Timbrell:** Mr. Speaker, my understanding is that the crop insurance for plants stored in barns was terminated in 1980 or 1981. In talking with staff about this, apparently the reason was some very bad experiences with this particular plant. Essentially, I am told the problem is the quality of the plants coming from Georgia.

Apparently, until the time the plan was terminated, crop insurance would cover about a third of the value, the growers would cover a third of the value and the firms with whom the acreage was contracted would pay a third of the value. The firms are still carrying their third and the growers are carrying two thirds, but it was the decision of the Crop Insurance Commission of Ontario, which is made up entirely of farmers, to terminate the plan.

I should point out that through the commission we have approved payments for the replanting of about 50 million or 60 million plants that were in the field, due to a late frost, so the area of tomato plants has not been completely dropped; it is just that one area where, over a number of years the plan was in place, there were so many bad experiences related to the quality of the plants coming into the country that it was terminated.

**Mr. Mancini:** The minister has said the Crop Insurance Commission of Ontario did give coverage for these types of losses from the years 1972 to 1980. This was covered under the premiums farmers pay for replanting. The minister has already acknowledged that there has been considerable replanting done.

In view of the tremendous difficulties that Ontario farmers have had over the past three or four years and in view of the very little aid they receive from this government, would the minister give consideration to instructing the commission to accept claims for tomato plants lost? Would he do this on a one-time basis for this spring, and then have the commission review the overall general policy this winter when things are not in such a crisis-type situation?

**Hon. Mr. Timbrell:** I am not going to repeat the debate of a few days ago about what this government has done for the agriculture industry. It is ironic, because the member's area, as much as or more than any, has benefited from the government's programs, particularly through increased acreage in field tomatoes for plants like

the Heinz plant in Leamington, the Primo plant at Cottam and so on.

Having said that, the member is well aware that the crop insurance program is a federal-provincial program. The premiums for the approved crop insurance plans are paid half by the growers who voluntarily join and half by the federal government. The provincial government pays the administrative cost. I have no authority whatsoever to order the Crop Insurance Commission of Ontario to pay claims on a plan which does not exist, which has been gone for four years and which does not have the agreement of the other party to the plan, the federal government.

**3:40 p.m.**

#### WAITING PLACEMENT FEE

**Mr. Cooke:** Mr. Speaker, in the absence of the Minister of Health (Mr. Norton) I will ask this question of the provincial Treasurer, if I could have his attention.

I would like to ask if he is aware that, as one of the methods of raising money for hospitals in the province, a new fee has been put in place called a waiting placement fee, which works out to \$486.49 a month for patients who are inappropriately placed in active treatment beds while they are waiting for admission to nursing home beds, homes for the aged beds, rest home beds or chronic care beds.

I would like to ask the minister whether the government condones this new user fee and whether he is aware that the major motivation for the hospitals in introducing this fee is the business-oriented new development program which he introduced when he was Minister of Health?

**Hon. Mr. Grossman:** Mr. Speaker, the answer is no, I am not aware of it. The member would have to ask the Minister of Health for his comments on that mechanism.

**Mr. Cooke:** I do not know where the Minister of Health is. He seems to leave question period every day. We thought we would get a shorter answer from the Treasurer anyway. I do not know if that is in line with his stature.

When the Treasurer is talking to the Minister of Health about this issue, would he bring to the attention of the minister that partly because of the lack of community alternatives and the lack of nursing homes beds and homes for the aged beds in this province, hospitals are putting these kinds of penalties on patients.

Does the minister not realize that this is going to affect people of low and medium income



most? There is no new policy for this major new user fee, according to Ministry of Health staff, even though Hotel Dieu of St. Joseph Hospital in Windsor will be starting this new fee on July 1? In addition, Kitchener-Waterloo Hospital has been charging this fee since April 1 and Joseph Brant Memorial Hospital in Burlington has been charging this fee for three years, even when he was Minister of Health.

According to the Ontario Hospital Association, many hospitals throughout the province are either considering this new fee or are using this new fee now. Is it not time he talked to his colleague and set a policy in this province to stop this new major user fee in Ontario?

**Hon. Mr. Grossman:** I have nothing to add to my previous answer.

### WASTE DISPOSAL

**Mr. G. I. Miller:** Mr. Speaker, I have a question for the Minister of the Environment. On June 7 I asked the minister about radiation at the lagoons of International Minerals and Chemical Corp. in Dunnville. Since then quite a bit of information has come from the ministry through the press.

There are between 20 and 45 picocuries of radium in the gypsum lagoon behind the IMC plant. In addition to the 100 acres of radioactive waste I drew to the minister's attention on June 7, there are 82 more acres of the same kind of buried waste from IMC just 50 feet from the banks of the Grand River. There are radioactive hot spots in the plant itself.

Why did the ministry not inform the public about this problem sooner? Will the minister table all the reports and studies conducted by his ministry or others on the radiation problem at the plant?

**Hon. Mr. Brandt:** Mr. Speaker, I am delighted that question has been raised by the member because in the rather futile exercise we went through earlier, which wasted such a great deal of time, there was some comment with respect to this question not being answered, so I am pleased to have the opportunity to answer it now.

**Hon. Mr. Elgie:** In detail.

**Hon. Mr. Brandt:** In some detail. The whole question of low-level radioactive waste, as my honourable colleague should know, is a federal responsibility. We are working with the federal authorities on the question of appropriate close-out of that site.

I can assure the member development will not be allowed on the site where there are any

problems with respect to radon or any difficulties with respect to low-level radioactivity of any type. The front line of defence in connection with this whole environmental question is the federal government. Knowing the member's party affiliations, I think he should be talking to his colleagues in Ottawa about this question rather than attempting, as he so frequently does, to shift the problem on to the province.

Let me say one other thing in connection with this issue, and I will try to be brief. Some supposedly scientific reports from that very area were released in the newspaper indicating certain health-related problems. I have to suggest there must have been some quasi-research people taking these surveys. I realize there are a lot of quasies over there.

The reality is that the people who were working for the official opposition were not in a position to bring out information that was scientifically valid. All they have done by the release of such an incorrect and inappropriate report is to cause undue concern in a municipality that certainly does not have to be subjected to that kind of threat to the environment when it does not exist there at present.

**Mr. G. I. Miller:** The minister has a responsibility and a right to inform the people of my riding and of Ontario and to protect their health and welfare. I asked the question only to assure the people that it is safe and that the wellbeing of that area is taken care of. I do not need a lecture—

**Mr. Speaker:** Question, please.

**Mr. G. I. Miller:** The US Environmental Protection Agency lists the same phosphogypsum rock used at the Dunnville plant as a hazardous waste and recommends that it be monitored and treated as such. The EPA action guideline on gypsum waste is five picocuries, and the waste in the IMC lagoons is well over that.

In view of this, in view of the fact that the US Environmental Protection Agency identifies other contaminants in the gypsum waste, which include thorium, barium, cobalt, strontium and arsenic, and in view of the fact that Ministry of the Environment official Alun James said no other developments would be built on the site for over 1,000 years until the radiation cools down, will the ministry issue a control order to force the company to remedy the problem?

Will the minister also check to make sure no radiation is emanating to the Grand River from either the water emissions or ground water leakage? Will he inform this House why his



ministry did not treat the gypsum waste as hazardous industrial waste? Will he keep the public informed about the waste and about measures to protect the public? All we are asking is to protect the public.

**Hon. Mr. Brandt:** Let me answer as directly as I can. First, my ministry is monitoring the site on a regular basis at the moment, and I wish the member would convey this to his constituents. Second, the level of contamination in the water at that site at the moment does not exceed the drinking water standard guidelines established by the province. Third, my ministry is negotiating with the company and with the federal government with respect to an appropriate close-out procedure for the company, so there will not be any development on any of the grounds that are in any way contaminated.

I believe I have answered all the member's questions. I want to make it clear that we are concerned about this issue. We are taking all appropriate and responsible steps in connection with it. It is unfair and improper to raise the anxieties of the people in this way. I am not suggesting the member did that, but an associate of the member in the research division certainly did that and released a report to the local media that was very misleading.

### ACTIVITIES OF POLICE

**Mr. Renwick:** Mr. Speaker, I have a question for the Solicitor General. I raised this matter on April 27 and again on May 15 and May 22. Why has the Solicitor General not reported to the House in connection with the matter surrounding the arrest, detention and subsequent discharge of William Franklin Baker?

Is it because of procrastination? Is it because he is not interested? Is it because he hopes the House will not be in session when the time comes? What is the reason for this lengthy delay? It was eight weeks ago on Tuesday when the agent of the Attorney General (Mr. McMurtry) in a very laconic way stood up in the courthouse in Hamilton and simply said the charges were being withdrawn because there was reason to doubt the veracity of the confession.

**Hon. G. W. Taylor:** Mr. Speaker, I received correspondence from the member yesterday reminding me that question had not yet been answered. I am pleased he raised it in the House today. I will inquire into it. I was not on the list of the members of the official opposition who are raising questions, but I am surely on this member's list, and I will inquire into that. There

is no reason for the delay other than the fact that there is a great deal of work.

**3:50 p.m.**

I am sure the member understands that the police officers investigating these matters have many duties and that they do not start and complete an investigation all in one sequence. Sometimes they have to attend court. Sometimes they have other duties to perform. It is not as simple as saying the requisite time has gone by, therefore there should be an answer and the investigation should be complete. They are required to perform many duties other than this particular investigation.

I will obtain the information as quickly as possible. It has nothing to do with the end of the session or anything else other than the work load left to be done.

**Mr. Renwick:** I have difficulty impressing upon the Solicitor General and the Attorney General that this is not a matter of course. This is a serious matter related to the integrity of the administration of justice from the time of the original arrest and detention of William Franklin Baker until the day he was discharged, a period of some four months.

Regardless of what the Ontario Provincial Police may say about the investigation, which seems to take an interminable amount of time, will the Solicitor General finally come to the conclusion as soon as possible that there must be a public inquiry under section 59 of the Police Act?

**Hon. G. W. Taylor:** I do not have enough information yet to come to the conclusion the honourable member is asking for. However, I will try to obtain the information for him as quickly as possible on this matter.

### LAYOFFS OF CONSTRUCTION SUPERVISORS

**Mr. Conway:** Mr. Speaker, I have a local, regional question for the Minister of Transportation and Communications. The minister must be inspired today after that great John Crosbie lecture to the Oakville Tories, during which I understand he was heckled.

**Mr. Speaker:** Question, please.

**Mr. Conway:** John Crosbie was heckled at a Tory fund-raiser in Oakville. No wonder Paul Godfrey is running to the Toronto Sun and not to the federal Tory nominations.

Can the minister report today on what success he or his department have had in offering alternate employment to those 55 construction



supervisors in the eastern region who were laid off or given notice of impending layoff by his ministry about two months ago?

I understand from talking to some of these people—my constituents and those of my friends the member for South Renfrew (Mr. Yakabuski) and the member for Lanark (Mr. Wiseman)—that some of these construction supervisors have up to 20 years' experience with the ministry.

What can the minister report to these people in eastern Ontario about their prospects for other employment, either within the Ministry of Transportation and Communications or elsewhere within the Ontario public service in eastern Ontario?

**Hon. Mr. Snow:** Mr. Speaker, it is wonderful that the honourable member is so knowledgeable about a major event that took place in metropolitan Hornby last evening. It was a great event. Mr. Cosbie was there in great shape. I am sure John Turner is quivering in his boots today after hearing what went on there. I would not say he was heckled. Someone just told him they knew how bad the Liberals in Ottawa were and asked what was he going to do about it.

**Mr. Speaker:** Now to the question, please.

**Hon. Mr. Snow:** There might have been some confusion. The place was rather sparsely filled. There were only 875 people there.

With regard to the question the honourable member finally got to, we are working very closely with all the employees. I must point out that no employee has been laid off yet. There were 121 notices given out earlier this spring that these layoffs would take place in November. In the meantime, we are working at the regional level to try to place these employees in appropriate employment.

These are construction supervisors. They are not clerks who can be appropriately employed in other ministries. They are basically Ministry of Transportation and Communications employees. We are attempting to accommodate them in other positions within the ministry as much as possible. I know we are having some success. I have not had an update at this moment on how many have been placed. I have certainly heard some have now been placed in other positions. I will get an update on the eastern region from Mr. Forster in Kingston and be able to advise the honourable member in the next day or two.

**Mr. Conway:** I will certainly be very appreciative of a specific report from the minister this week about who has been offered another place, in what area and at what rank.

Given the crying need in much of eastern Ontario for necessary improvements to the highway infrastructure—and I think particularly of the Pembroke-Ottawa link, where the traffic volumes on that two-lane highway are serious to the point of being critical in terms of driver safety and the tourist potential we want to develop—what does it say when the minister's own senior department officials in eastern Ontario give as the reason for this very sharp cutback that MTC is really not doing very much any more in the region? That is why 55 construction supervisors are being let go.

Surely this layoff and the reasons given by the senior ministry staff in eastern Ontario make it very clear the ministry is not doing very much in terms of much-needed road improvements on the Queen's highways of eastern Ontario. They also show that in that great bastion of Progressive Conservative eastern Ontario, once again we are getting the back of the hand and the hind you-know-what.

**Hon. Mr. Snow:** As I think the member for Renfrew North and all members know, it is quite obvious we have had a substantial cutback in the road-building budget of my ministry. I would have to assure the member that eastern Ontario or any other portion of Ontario is not being dealt with in any different way from any other part of the province.

The layoffs have not taken place yet, but we had to give notice according to the rules. The layoffs were unavoidable. I too hate to see these people given notice of layoff. I know how upsetting it is and the concern it is to them and their families. On the other hand, I do not believe in taking 121 people, whom we have absolutely no work for and trying to hide them someplace on the government payroll. I do not believe in that and surely the member does not.

#### CABLE TELEVISION RATES

**Mr. Philip:** Mr. Speaker, I have a new question for the same minister in his capacity as minister of communications.

Is the minister aware of a survey conducted by the Etobicoke Condominium Association which shows the fee charged for high-rise condominiums by Maclean-Hunter Cable TV ranges from \$2.15 per unit per month to \$9.44 per unit per month for the same service; and in town houses from \$3.25 per unit per month to \$8.44 per unit per month?

Does the minister not believe such differences probably mean that some condominiums are being charged too much by Maclean-Hunter?



Will he investigate, and if he finds a ripping off of condominiums, will he intervene in the next hearing of the Canadian Radio-television and Telecommunications Commission concerning Maclean-Hunter's licence and authority?

**Hon. Mr. Snow:** Mr. Speaker, I think the quick answers are no and yes.

#### TABLING OF INFORMATION

**Mr. Conway:** Mr. Speaker, on a point of order: You are probably going to retire later this afternoon and consider the events that preceded oral questions. I want to put my final observations on that point very briefly.

I noted in the question period a clear sense of irritation on the part of at least two members of the cabinet, the Minister of the Environment (Mr. Brandt) and the Solicitor General (Mr. G. W. Taylor). I thought they both indicated clear irritation with what transpired here in the earlier part of the afternoon.

I want simply to indicate to you, and it ought not be misunderstood or in any way laid aside, that there is a very great and growing frustration on this side of the House, at least in the ranks of the official opposition, about the very great difficulties we are having in gathering the information we require.

**4 p.m.**

Once again, I can cite the report of Mr. Justice Campbell Grant. I accepted for many months and years the advice of the Attorney General (Mr. McMurtry) and the first minister that this matter was before the courts, it was under appeal, therefore the sub judice injunction applied and I ought not to have the answers. But seven years after the Premier (Mr. Davis) first gave the commitment, I think the House is entitled to some kind of answer, particularly in view of the Attorney General's latest practice with respect to matters that are sub judice elsewhere or that are in the courts for appeal.

Quite often the Deputy Minister to the Premier, the secretary to the cabinet, answers written questions on behalf of the Treasury bench in a rather brazen way by telling members opposite they can put their questions in question period or they have research staff to get the information.

Speaking for myself, I want to be reasonable about this. I understand the very great difficulty in which you find yourself, Mr. Speaker, in this situation. But for the benefit of, among others, my friend the government House leader, I would say that we want this place to work, and the place is obviously going to work well if there is a sense

of mutual understanding and a sense that, within the parameters of practical party politics, we are going to move the place forward.

But it is simply not going to be acceptable for some very prominent ministers to cast aside oral and written questions repeatedly on a number of cases relating to very important matters of public policy, because if we do not as a self-respecting parliament move to correct some of these difficulties, I honestly believe we run the risk of becoming something of an elective dictatorship, and I think that is very unfortunate. Quite frankly, I can imagine circumstances under which I, as a minister with a parliament that sits six months of the year, could hold just about anybody at bay for a long time.

I want to say that, despite my occasional outbursts and misbehaviour—and I am always apologetic, at least after the fact, for that kind of indiscretion; I have been unparliamentary and indiscreet, let me be the first to say—I want to see this place work in a very parliamentary way, but some of the extraparliamentary measures that have been resorted to in this place and elsewhere in the Dominion of Canada in the last three or four years concern me as a citizen and bother me as a parliamentarian.

I warn my friends in the government that if a more forthcoming and reasonable attitude is not soon developed and executed, then members of the opposition will be forced to develop and pursue policy by other means, and this place will become an unhappy, extremely difficult and counterproductive place. I would not want to see that happen.

I see the first minister's minions smile behind your dais, Mr. Speaker; they are a very competent and ever watchful lot, the first minister's aides-de-camp—politically speaking, of course.

As a practising party politician, I accept the natural dialectic that works in this place. I do not expect that the government opposite is going to want to arm the opposition with all the ammunition that will send it to the bottom of this political sea. It is our job, of course, to fire as many volleys as we can at that rickety ship of state with 40 years, nine months and three weeks of barnacles on it for all to see.

Within the parameters of party politics, and as someone who believes very much in the parliamentary tradition, I want to say as I resume my seat that I want this place to work as a respectable Legislative Assembly, and it will work only if there is the kind of mutual understanding and respect that will deliver up on to the floor of this

House the kind of answers that have been sought, if not on all these matters, at least on a sufficient number to make the place and the process credible.

If that is not forthcoming, I will say in conclusion, this place will become even more difficult; as I said earlier, we will have to resort to policy by other means, and that would be unhappy and most counterproductive.

**Mr. Speaker:** If I may just make a very brief observation, let me say that I am sure nobody wants this place to work more than I, and I am sure that concern is shared by members on all sides of the House. It was for that reason that I did listen very intently to the various points of orders and points of privileges that were raised this afternoon. I feel very strongly that one of my responsibilities is to sense the mood of the House and to respond to that sense, whatever it may be.

Having said what you have said and having said what I have said, I have sought advice and I will get back to the House as quickly as possible with some kind of resolution, I hope, to the problem.

#### NOTICE OF DISSATISFACTION

**Mr. Renwick:** Mr. Speaker, I was dissatisfied with the response of the Solicitor General (Mr. G. W. Taylor) to the question I raised with him regarding William Franklin Baker.

Pursuant to standing order 28(b), I give notice that I intend to raise the matter at the adjournment this evening. In fact, I gave you formal notice by four o'clock this afternoon, thanks to the alacrity of the page who delivered the message just in time.

**Mr. Speaker:** I would like to take this opportunity to inform the members that the member for Riverdale (Mr. Renwick) has indeed advised the Speaker, pursuant to standing order 28(b), that he has given notice of his dissatisfaction with the answer to a question from the Solicitor General and will pursue the matter further at 10:30 this evening.

#### PETITIONS

##### SALE OF BEER AND WINE

**Mr. Bourdria:** Mr. Speaker, you will be glad to know I have a petition, which reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition the government and the Legislative Assembly to support the private member's bill of Don Boudria, MPP, to

permit the sale of beer and Ontario wine in small, independent grocery stores.

"Pétition adressée au Lieutenant-gouverneur en Conseil et à l'Assemblée législative de l'Ontario:

"Nous, soussignés, par la présente pétition demandons à l'Assemblée législative et au gouvernement d'appuyer les projets de loi du député Don Boudria qui permettraient aux petites épiceries indépendantes de vendre de la bière et du vin ontarien."

For those of us who are keeping a running tab on this, this is signed by a further 128 people, bringing the grand total to 11,712.

#### CONTRACT WORKERS

**Mr. McClellan:** Mr. Speaker, I beg leave to introduce a petition signed by about 1,500 people, most of whom work in the cleaning industry in this province; it reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, petition that:

"1. The government recognize that many workers in the cleaning industry are paid wages close to the minimum wage;

"2. The government recognize that many companies, such as the Eaton Centre mall, have sacrificed long-term employees for the sake of a cheap contract and lower wages by changing to contractors who bid lower; and

"3. The government of Ontario enact laws to protect the job security of workers in the cleaning industry and any other groups who are in similar circumstances, such as people working in the catering industry, to guarantee that wages are not lowered, workers are not fired and union rights are protected whenever a contract is transferred from one company to another."

#### INDEPENDENT SCHOOLS

**Mr. Sweeney:** Mr. Speaker, I have a petition signed by 58 residents of the communities of Kitchener and Wilmot township, which reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to appeal to petition the parliament of Ontario as follows:

"The supporters of Rockway Mennonite Collegiate cannot accept the fact that the government of Ontario can boost its support for Catholic and Franco-Ontarian schools while continuing to neglect to support other educational communities.



"In a democratic, multicultural society, choice in education should not provide some schools of choice funding while denying the same rights to others. In at least five Canadian provinces, independent schools are recognized as providing a public service and they receive various forms of financial grants. In Ontario, legislators act as if the 80,000 children in independent schools do not exist.

"Parents and supporters pay the total cost for their education while also paying taxes at the same level as everyone else for public schools they do not use. In fact, in the past five years, parents of children in independent schools have contributed \$1 billion to educate other people's children in Ontario.

**4:10 p.m.**

"When will their children receive some benefit from public education tax dollars? When will this government accept its responsibility to recognize the value of these schools and provide support for them as it does for Franco-Ontarian and Catholic schools. When will this denigrating blot be removed from our democratic, multicultural province?"

## REPORTS

### STANDING COMMITTEE ON REGULATIONS AND OTHER STATUTORY INSTRUMENTS

Mr. Gillies from the standing committee on regulations and other statutory instruments presented the following report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill Pr22, An Act respecting the Ontario Association of Certified Engineering Technicians and Technologists.

Motion agreed to.

### STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Mr. Treleaven from the standing committee on procedural affairs presented a report on agencies, boards and commissions, number 8, which entails reports on the following agencies, boards or commissions: Alcoholism and Drug Addiction Research Foundation; Board of Funeral Services; Board of Visitors of Homewood Sanatorium, Guelph; Crop Insurance Commission of Ontario; Game and Fish Hearing Board; Innovation Development for Employment Advancement Corp; Nursing Homes Review Board; Ontario

Board of Parole and Social Assistance Review Board, and moved its adoption.

On motion by Mr. Treleaven, the debate was adjourned.

### STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Mr. Treleaven from the standing committee on procedural affairs presented a report on standing orders and procedure, number 3, and moved its adoption:

**Mr. Treleaven:** Mr. Speaker, I would like to read a brief summary of the recommendations, but I cannot do it if it is down at the table. May I read these at this point?

**Mr. Speaker:** Briefly.

**Mr. Treleaven:** This report is on the premature disclosure of committee reports. This has happened three times in the last brief while and so the committee wishes me to read a brief summary.

"1. Before a committee begins writing a report, it should decide whether it will meet to do so in public or in camera.

"2. If a committee meets in camera to write its report, the report should be first presented to the House before it is released to the public.

"3. It is unethical for members to disclose matters relating to the contents of a committee's report which was considered and adopted while the committee met in camera before the report has been presented to the House. Such disclosure may be found to be a breach of privileges of the House and may constitute a contempt of parliament.

"4. The clerk of the assembly should advise persons associated with the writing, printing and distribution of committee reports of the privileges of the House regarding the premature disclosure of committee reports and their duties with respect thereto.

"5. When a committee has written its report in camera, press conferences should not be held and press communiqués should not be released until the committee's report has been presented to the House."

On motion by Mr. Treleaven, the debate was adjourned.

**Mr. Laughren:** Mr. Speaker—

**Mr. Speaker:** Are you rising on a point of order?

**Mr. Laughren:** I am rising on a point of information.

**Mr. Speaker:** With all respect, it is not oral question period.

**Mr. Laughren:** I do not want to ask a question. I wondered whether the chairman of the standing committee on procedural affairs could tell us if the committee talked about the possibility of whether it is proper for any disbarred lawyer to sit on a committee of the Legislature.

**Mr. Speaker:** It sounds like a question to me.

**Mr. Lupusella:** Can the chairman tell us whether my presence on that committee has been missed?

**Mr. Speaker:** I must point out to the member that the debate has been adjourned.

#### ANSWERS TO QUESTIONS IN ORDERS AND NOTICES AND RESPONSE TO PETITION

**Hon. Mr. Wells:** Mr. Speaker, as all members have, I have listened to a number of remarks today, but regarding the last remark, I would like to say to my friend the member for Renfrew North (Mr. Conway), that no one in this House would doubt his sincerity in wanting to make this place work better. I think we all do. However, his intemperate remarks and the threats he makes certainly do not add to that climate.

I say this as I table these answers today, which represent the answers to 418 questions. All but 14 of the questions have been answered as provided for in the standing orders. Also, I draw my friend's attention to the fact that nine estimates have been called. I assume the questions that were to be answered in those estimates debates have been answered. The rest will be answered when those estimates debates occur in the fall.

All I am saying is, the argument that people are withholding information around here is a very hollow one.

**Mr. Kerrio:** Everyone is entitled to his own opinion.

**Hon. Mr. Wells:** I hope my friend will also listen to my opinion. If a couple of the pages would like to come over here, I do not want to burden one down with all the answers. These are the answers to questions 300, 303, 304, 305, 324, 332, 333, 336, 399, 407, 409, 410 and 412, and the response to a petition presented to the House, sessional paper 123see Hansard for Friday, June 22 .

4:20 p.m.

#### ORDERS OF THE DAY

House in committee of the whole.

#### WORKERS' COMPENSATION AMENDMENT ACT (continued)

Resuming the adjourned consideration of Bill 99, An Act to amend the Workers' Compensation Act.

On section 1:

**Mr. Mancini:** Mr. Chairman, the other night we were debating this and we had to get on to other business; therefore, I could not finish my comments. I want to be very brief.

I want to make it absolutely clear to everyone in the House, so they fully understand our position, that we recognize the government has come in with increases of five per cent in certain areas. I recognize the New Democratic Party will be making amendments to have those increases raised to 10 per cent. We are going to support those amendments.

However, I again want to put forward our position, which I believe will be the fairest position. Concerning the funerals, let us not fool around giving the injured workers \$1,400 or \$1,500. Let us find out the cost of a funeral and cover the cost for the family of an injured worker. This also goes for the death benefits received by the widow and for the children who are left without a father or mother.

The same goes for the back braces or the upper-limb prostheses. Let us not fool around by saying we are going to give them \$350 for a back brace when the actual cost is \$500. If the injured worker needs a \$500 back brace, let us give him the exact type of back brace he needs and there will be no injustice done.

I have to say to the New Democratic Party that while we will be supporting the suggestion for a 10 per cent increase, in my view it does not really address the problems.

**Mr. Laughren:** Mr. Chairman, I seek your guidance. I was under the impression that my colleague the member for Dovercourt (Mr. Lupusella) had moved an amendment already. Is that not true?

**Mr. Chairman:** That is correct.

**Mr. Laughren:** We are debating the first amendment, to clause 36(1)(a) of the act. I am correct, am I not?

**Mr. Chairman:** That is my understanding.

**Mr. Laughren:** I am concerned about this section of the bill. The increases proposed by my colleague are modest indeed. I did some very simple arithmetic as to the difference between what a dependant would get under Bill 99, the one we are currently debating, and what he



would receive under the new legislation as proposed by the minister, which has already received second reading in this chamber.

For the life of me, I do not understand how the minister can set up two classes of widows. That is beyond my comprehension. When Bill 101 receives royal assent, assuming it does, what we are going to have are spouses who will receive much more than spouses of workers who died before the bill received royal assent.

Let me give the minister an example. When this bill passes, the spouse of a worker killed on the job will get a flat sum of \$593 a month. I believe that is the figure; I do not have it in front of me. If there are four children in the family and a surviving spouse, that spouse will get roughly \$14,000 to \$15,000 a year. Under the proposed legislation, a surviving spouse at age 30 with two children would receive \$71,300 in the first year, which would consist of the \$50,000 lump sum payment plus a \$21,300-a-year pension, which would continue indefinitely.

Does the minister think that is appropriate? What he is setting in place with this bill is a situation where one surviving spouse with one or more children would receive a \$21,300-a-year pension, on top of a \$50,000 lump sum payment at the time of death, compared to someone whose spouse was killed now, who would receive a pension of around \$14,000 or \$15,000 a year and no lump sum payment. I think the minister should make this aspect of the new legislation retroactive.

I must confess to being somewhat motivated by events of yesterday and today, but the more I think about it the more I think it is the only fair way. I honestly do not know how we in this chamber could approve legislation that establishes two classes of spouses and dependants in that way.

I understand some of the problems of retroactivity, but I think the differences in this case are going to be so great it would be intolerable to accept them. I hope the minister will think seriously about that. There may be some problems, but I do not think they are insurmountable. Unless the minister indicates that he intends to take it seriously and pursue it, then we will have the opportunity to pursue it further in the committee stage of the new bill when it comes before the standing committee this summer and in the fall when it is reported back to the assembly.

I want to impress upon the minister how we feel about what is going to happen when these significant improvements for spouses and depen-

dants under the new bill are passed. I am not quibbling about that aspect of the new bill, but I am very concerned about the fact that there are people who will be very considerably undercompensated compared to those under the new bill.

**Mr. Lupusella:** Mr. Chairman, I missed one important point during the course of the debate yesterday. It relates to subsection 36(1) of the act, which sets out the scale of compensation to be paid when an injury results in death. I raised this point even during the committee hearings. I did not get too much support from the minister's colleagues in the committee, but I want to share the point with the minister because I think it is extremely necessary for him to consider my argument.

Three or four years ago I was called by a family in my riding whose son was killed on the job. He was 21 years old, not married and living with his parents. His parents got the burial allowance and nothing else. I do not think the present Workers' Compensation Act and the new amendments or future law that will be enacted take into consideration this concern. If we are analysing an issue based on dollars and cents, the life of a person is equal to \$1,500 and nothing else, whether that person has dependants or not. That is completely wrong.

If there had been a car accident and the parents had taken the case before a civil court, I think there would have been a case, but there is no provision within this act. Just because the son was not married and was living with his parents, the only thing they got was the burial allowance, and I think it was less than \$1,400 three or four years ago. I do not know what burial expenses were then, but that was all they got.

**4:30 p.m.**

There is a specific provision within the present act that if the parents are able to demonstrate before the board that their son was still a dependant, they would have a claim. In this case he was 21 years old, so according to his age he had already claimed independence, and he did not have dependants because he was not married. I think it is wrong. The family of this young man spent money for his education and to make sure he would grow up in good health, and I think his family should get some sort of compensation because they lost a son.

I hope the minister, unlike his colleagues, who are not sensitive to this issue, will be able to give me an answer to that and I hope he will be able to accommodate my concern with a change in the act or a different provision, because I do not have my amendment ready to take this concern into

consideration. I hope the minister will be able to reply to this serious situation.

**Mr. Chairman:** Do I understand correctly that the members by unanimous consent prefer that we defer this matter?

**Mr. Lupusella:** Mr. Chairman, with great respect, I think I invited the minister to give me a specific comment or an indication as to whether or not he will do something about it. If he did not understand or if I did not make myself clear, I am willing to make my argument again, but I hope I am going to get some sort of commitment from the minister that he is sensitive to this issue and that he will do something about it.

**Hon. Mr. Ramsay:** Mr. Chairman, certainly I will take it into consideration. I am sure the honourable member does not expect me to make a decision right now. I will certainly look at it.

**Mr. Chairman:** All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Vote stacked.

On section 2:

**Mr. Chairman:** Mr. Lupusella moves that subsection 36(6) of the act as set out in subsection 2(1) of the bill be amended by striking out "\$1,500" and substituting therefor "\$1,540."

**Mr. Lupusella:** Mr. Chairman, I do not want to reiterate the principle of what I said in relation to this specific case, which I brought to the attention of the minister. I realize he cannot clear his position yet, but I hope he will do something about it.

I hope he will take my concern into consideration, either within the new law or in further amendments that might be introduced in the Legislature in the near future, because I think there are several cases that can be covered by an amendment to the act that will cover cases in which the person involved did not have any dependants, so that eventually the family of the person who died as a result of an injury can get benefits from the Workers' Compensation Board.

I do not see any difference between the person with dependants or the one without dependants who dies as a result of an injury on the job. They should be treated equally in relation to allowances. In cases where the person has dependants, then the spouse should get the benefits, but in cases where there is no surviving spouse, the

father or mother of the deceased person should get the benefits from the WCB.

Again, in dealing with the \$1,400 or \$1,500, which has been increased by five per cent as a result of Bill 99, we are touching a very important clause in this bill. I want to tell the minister that among the ethnic communities this price is paid by a lot of people when they have the misfortune of someone dying as the result of an injury. I am talking about Italian or Portuguese families, or people from different ethnic backgrounds whose burial expenses sometimes reach \$5,000 or more.

I do not think my amendment of 10 per cent will take into consideration what the family is going through with the pain and suffering when a person dies as a result of an injury, nor the expenses the family bears for burial expenses. My amendment will not cover the total costs some ethnic people have as a result of these unfortunate cases.

We on this side of the House have raised this concern several times in previous years. I hope the minister will be more generous next time, not only with the five per cent but by also taking into consideration the process the ethnic communities are going through when these cases take place. Even though I support the principle of 10 per cent, in viewing the situation in a more widespread way, the total amount contemplated by the present law is completely inadequate. My 10 per cent will not cover the concern of so many ethnic people who are going through this painful process. I hope the minister will review the situation in the future.

**Mr. Chairman:** All those in favour of Mr. Lupusella's motion will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

On section 3:

**Mr. Chairman:** Mr. Lupusella moves that subsection 43(8) of the act, as set out in section 3 of the bill, be amended by striking out "5" and substituting "10" therefor, and that subsection 43(9) be amended by striking out "\$26,800" in the third line.

**Mr. Lupusella:** Mr. Chairman, in this section we are talking about the earnings ceiling. We reject the five per cent increase that has been suggested by the government as a result of the introduction of Bill 99. We maintain and we are consistent in our position on the 10 per cent. I think the 10 per cent would take into consider-



ation our concern in relation to the earnings ceiling for people who are injured on the job.

My specific concern and criticism, which I bring to the attention of the minister and the government, is that each time a law is introduced to increase the level of benefits for injured workers, we always talk about the maximum of \$25,500. That sounds like a very generous figure in the calculation of benefits for workers who are injured on the job. The \$25,500 makes more sense for the government because it can say the total amount of money injured workers would receive when receiving temporary total disability benefits is extremely high now.

My mind is on people who are not making enough money and who are working for the minimum wage. I think about 35 per cent of the total labour force in Ontario is working for the minimum wage. We are talking about 200,000 workers who are working for the minimum wage. If they are injured on the job, the maximum ceiling of \$26,800 is not considered in the calculation of their benefits.

The government was supposed to be more generous in this section about injured people who are not making enough money when they are injured. For example, the minimum amount of compensation payable for temporary total disability is increased from \$179 per week to \$188 per week effective July 1, 1984, where the average earnings of the injured worker were not less than \$188.

The government makes noises about the \$25,500 being increased to \$26,800 each time there is an increase in the level of benefits, but it never makes reference to the people who are not making that amount of money and who should be considered by the law in a more generous way.

I do not think in 1984 one can live on \$179 per week if one is seriously injured on the job and is temporarily totally disabled for a prolonged period of time. The injustice of the system is based on the principle that if a person who works for the minimum wage and is faced with a serious injury, and a person who is making \$25,800 is injured and is also faced with a serious injury, when we talk about permanent disability awards as a result of the earning ceiling, the pension differs from one person to the other. Eventually, they end up having the same degree of disability.

The law does not particularly consider the two cases, one of a person who makes \$26,800 and the other of a person working for the minimum wage. I think the government should review the situation as well.

**Mr. Laughren:** Sorry to distract the chairman.

**The Deputy Chairman:** We want to hear what you have to say.

**Mr. Laughren:** Mr. Chairman, I will be very brief because as usual my colleague has said it. The Liberal members want me to string it out, and I do not understand why. Thank you for telling me.

Herein lies the greatest hypocrisy of all in this section. The Minister of Labour would no more have the courage to say to workers of this province they must not earn more than \$26,800 any more than pigs can fly. He does not believe in that philosophy or policy of an upper limit on income. There is no way this government believes there should be a ceiling on what people can earn in our society. He simply does not believe it.

How, then, can the minister put an arbitrary ceiling on it just for people who might get injured? What he is saying is to everybody in our society, "Go out there, go to it, it is a free enterprise system, earn what you can." He talks loud and long about how there have to be incentives for people to earn big incomes or we will not be competitive. I hear that all the time coming from the government.

Guess where it all falls apart. Guess where the government says to people, "No, that philosophy does not apply any more"? They say that only to injured workers in the province. Who else is told that there is a cap on his income? That is what the government is really saying to them. It is saying to them: "If you earn up to \$26,800, then fine, you can be compensated at the regular rate. If you earn over that, if you happen to demonstrate your ability to earn a higher income than that, because you might be a bonus miner or whatever, we are going to penalize you." If a higher income worker gets hurt, he is penalized. There is no other word for it. The government financially penalizes someone who earns more than \$26,800.

Where is the vaunted Tory philosophy of incentive and free enterprise? It all goes down the tube so conveniently when it suits some people's purposes. That is what the government is doing with this section. It has always done it by putting a cap on workers' compensation benefits. What is so crazy about it is that it is not going to cost the employers very much money. It really is not. I said it the other night, and I stand and wait to hear this minister give a logical explanation of why there is an income ceiling on benefits for workers. Why is that?

I have never had an explanation in all the years we have pursued this government on it. That is why, whenever I hear them talk their nonsense about incentives and encouraging people to get out there and work hard, I laugh at them. It is hypocrisy because it only applies to certain people out there, not to injured workers. The government wonders why we say this is anti-worker legislation. It is crass, biased legislation, more so than any other I can think of, that this government brings forward.

**4:50 p.m.**

It is for those reasons we feel so strongly that we cannot support anything as hypocritical as a ceiling on the income earnings for which workers can be compensated.

**The Deputy Chairman:** Does any other honourable member wish to participate in this debate?

**Mr. Laughren:** The minister might want to respond to that one.

**The Deputy Chairman:** Maybe the minister wishes to respond.

All those in favour of Mr. Lupusella's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

**Mr. Laughren:** Mr. Chairman, on a point of order: It would expedite the business of the House if the minister would get involved in the debate. Otherwise, we are going to feel we have to make much longer arguments to convince him. If he would indicate his position on some of these matters, even briefly, it would expedite the debate considerably.

**Hon. Mr. Ramsay:** Mr. Chairman, I am so intrigued by the comments of the members opposite that I am sitting here—

**Mr. Breaght:** Dumfounded.

**Hon. Mr. Ramsay:** No, quite impressed. As I said last evening, I plan to address all the matters brought to my attention during the debate in complete detail in my opening statement when Bill 101 goes to committee.

**Mr. Lupusella:** Mr. Chairman, it is a pleasure to have you around to bring some light to the members' minds.

At any rate, we have to change the minister's position because we have been raising this particular issue for some time. Now there is a committee of the Legislature undertaking the task of the new law. If we are going to find out the government does not have an open mind about

the specific arguments we are making in relation to an important issue, then the committee's work is irrelevant to the points we are raising.

When the minister makes his statement, I hope he will not only respond to the concerns we are raising, but will be able to convince his own colleagues to approach the committee with an open mind so the issues raised will be taken into consideration when the bill is amended.

**The Deputy Chairman:** Mr. Lupusella moves that section 43 of the act, as set out in section 3 of the bill, be amended by adding thereto the following subsection:

"(11) The amounts payable under this section and those under sections 36 and 44 shall be adjusted on the first day of January, April, July and September in each year by percentage amounts equal to the percentage increase in the average industrial wage for Ontario during the preceding three-month period as indicated by the industrial composite average weekly wages and salaries for Ontario published by Statistics Canada and the initial adjustments shall reflect the percentage increase in the average industrial wage since July 1, 1984."

**Mr. Lupusella:** Mr. Chairman, this is a very important issue for injured workers across the province. The same concern has been raised every year by injured workers demonstrating in front of Queen's Park and will be, I am sure, until the government takes into consideration the seriousness of that particular clause, a clause rejected last year as well when the amendments were presented before the Legislature. I remember I introduced a further amendment to that particular section, which was rejected by the government.

I share the concern of the member for Nickel Belt (Mr. Laughren) about hypocrisy when dealing with injured workers' problems. Here we are as politicians, and every year the government is faced by a group of injured workers demonstrating in front of Queen's Park. Every year we are faced with the same position by the government in rejecting the premise and notion that injured workers' pensions cannot be adjusted automatically with the inclusion of a clause within the statute. If this approach cannot be justified in the case of injured workers, then the same approach cannot be justified by us in the Legislature.

The government has an obligation to try to do something about it. Injured workers have claimed they would like to see the inclusion of this particular amendment to section 43 of the act, which takes into consideration an automatic



escalation of injured workers' benefits every year. The percentage of the increase should be based on the average industrial wage as has been published by Statistics Canada.

I do not think the government is sensitive to this particular issue. Every year we have been faced with an increase at the government's whim. Sometimes we have dealt with the increases before Christmas, and now it is before the summer recess when we have to rush the process of the legislation as well.

The member for Nickel Belt can talk about this particular issue for three or four days or even a month. We have ample examples to justify our position. But I think in time we are supposed to face the political reality that there is a majority government and we belong to an opposition party.

With great respect, who knows but maybe some day, somehow, things may change. The political spectrum of this province may change and then the government will be sorry. The question will be, "Why did we not make these changes before when the New Democratic Party talked about them?" I hope someone will listen and make a wise decision when an election is called and people go to vote.

At any rate, I do not think I have any other arguments to convince the minister that this very serious situation does not make too much sense to the injured workers. It does not make too much sense that, besides their injuries, their braces and canes, they are supposed to appear before Queen's Park to demonstrate every year.

The minister also mentioned that the NDP government in Manitoba did not make riot changes. I remind the minister that in Manitoba the injured workers are not demonstrating on a yearly basis to get their increases and they are not extremely upset and angry as they are here in Ontario. I think they are faced with a different political reality. It is up to the government to change its mind to make sure their concerns will be taken into consideration within the new law.

**5 p.m.**

**The Deputy Chairman:** All those in favour of Mr. Lupusella's motion will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

On section 4:

**The Deputy Chairman:** Mr. Lupusella moves that subclause 44(a)(i) of the act, as set out in subsection 4(1) of the bill, be amended by striking out "\$188" and substituting therefor

"\$197"; and that subclause 44(b)(i) of the act, as set out in subsection 4(1) of the bill, be amended by striking out "\$826" and substituting therefor "\$865."

**Mr. Lupusella:** Mr. Speaker, I raised the principles of section 44 in my previous remarks. My particular concern is about the earnings ceiling for people who are not making enough money, who are seriously injured and are working for the minimum wage. I think it is completely wrong in comparison to people in the high ranks of wages, \$26,800 and above that amount.

I have a particular concern about permanent total disability which is in the range of \$826 a month from July 1, 1984. I expressed my concern before, and I am giving the opportunity to others to participate in this debate as well.

**The Deputy Chairman:** All those in favour of Mr. Lupusella's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

On section 5:

**The Deputy Chairman:** Mr. Lupusella moves that subsection 45(1) of the act, as set out in subsection 5(1) of the bill, be amended by striking out "but not so as in any case to exceed the rate of \$26,800 per annum."

**Mr. Lupusella:** Mr. Chairman, I think I made my point; if somebody else would like to state different principles, I am here to listen as well.

**Mr. Laughren:** Mr. Chairman, I am rising on this particular amendment, not because the mover does not speak good but because the principle bothers me so much. All I want to do is ask the Minister of Labour—

Interjection.

**Mr. Laughren:** Maybe that is what the member for Huron-Middlesex (Mr. Riddell) is trying to convince the minister of right now. I wonder whether we might have a report from the member for Huron-Middlesex as to whether he is attempting to convince the Minister of Labour to remove the ceiling for compensation of earnings in the Workers' Compensation Act.

**Mr. Stokes:** Maybe we could have a five-minute recess until the minister and the chair are prepared to listen.

**The Deputy Chairman:** The honourable member has our attention. We are just checking over the bills and amendments for today.

**Mr. Laughren:** Once again I would ask the minister to tell us this afternoon why he feels a ceiling is necessary in the computation of benefits for injured workers. First, I assume the \$26,800 is an arbitrary figure. As well, I assume almost one third of all injured workers do not have their full income insured or protected under this act, even with the increase. Therefore, I simply ask the minister whether he thinks it is appropriate to deal with this issue.

When the standing committee starts holding its hearings, the minister will be there. He will make a statement, but I assume he will not deal with this section in any kind of detail. Here we have all the time in the world to talk about this amendment and the principle inherent in it. I simply ask the minister again to tell us by what justification any parts of workers' incomes are not considered real or appropriate for compensation purposes. What kind of insurance program is this? What kind of income maintenance program does he have here?

I do not understand it. I do not understand why the minister says the injured worker who earns \$26,000 a year should get 90 per cent of his net for compensation purposes when he is temporarily or totally disabled, while the worker who earns \$30,000 a year does not get 90 per cent of his net. What is the justification for that? Where is the logic in that? How arbitrary can the minister get?

It is totally beyond my comprehension how the argument can be sustained by the minister. I am more than prepared to listen patiently while the minister tries to sustain that kind of argument. I would surely want to hear the minister put forth his views on why a ceiling is necessary. Why does he feel it is necessary that 32 per cent of the work force should not have their incomes protected while 68 per cent do? What have those 32 per cent done wrong? What have they done to deserve the back of the hand from this government? Why are they being penalized?

Let us have some member over there, perhaps the chairman of the committee or perhaps the member beside him, who is so acclaimed in the law and not disbarred, stand up and say why there must be a ceiling. I do not understand that. Perhaps the former minister the member for Burlington South (Mr. Kerr) could tell us. He is trained in the law as well. There should be a royal commission into what is being taught in law school. They do not seem to be able to sustain arguments that deal with the rights of people under the law.

This bill should be challenged under the Charter of Rights and Freedoms. I really believe that. I would bow to the superior legal knowledge of one or two of those members out of the dozen or so who have law degrees, but I wonder whether the Charter of Rights and Freedoms says one group of workers can have their incomes protected up to the maximum while the other 32 per cent cannot. Is that not some kind of discrimination? I do not know whether that is allowed under the charter, but it surely should not be. I would not have put my signature to it if I had known this was going to be allowed under the charter.

I appreciate that the minister cannot respond because I do not think he is trained in the law and therefore has never been disbarred. I understand the minister is unable to respond to my query about this discriminatory clause in the bill. Perhaps some of those members trained in the law could give us the benefit of their finely honed minds to tell us whether this is a legitimate clause in the bill that discriminates against two groups of workers.

I will stand down for the moment, Mr. Chairman, but I may be on my feet very quickly if no one from the government benches stands up to give us an explanation.

**5:10 p.m.**

**The Deputy Chairman:** I thank the member. You may have to stand up again. I do not see anyone else wanting to participate.

**Mr. Laughren:** Mr. Chairman, I am motivated once again because I do not think it is appropriate to avoid an issue of principle like this. The members of the government party are going to support this bill which sets up two classes of workers in the province—injured workers at that—and yet they feel no need to defend it. They feel no need to justify this kind of legislation.

I do not know where they think they are coming from, but just because they happen to have a majority does not mean they can ignore legitimate questions from the opposition. I went through some considerable trauma in trying to deal with the Minister of Natural Resources (Mr. Pope) for not answering questions because he regards his ministry as his toy. I hope the Minister of Labour does not set himself above the opposition when it comes to debating legislation in this chamber.

I do not know how the minister can sit there and not respond to legitimate points raised by the opposition. I suppose under the standing orders he has a right to do that, but I do not know how he



can do it in terms of the spirit and the intent of the Legislative Assembly. If the minister thinks it is not appropriate for us to raise legitimate points, let him say so. If he thinks my arguments hold no water whatsoever, let him stand up and say so. Surely somebody on the government side is obligated to respond to these points. Mr. Chairman, I beseech you once more.

**Hon. Mr. Ramsay:** Mr. Chairman, I would never suggest the honourable member's arguments are not persuasive, well thought out or anything else that he has just suggested I might be thinking about the comments he makes. I take them all very seriously and I will respond. I will give him the rationale at the appropriate time.

**Mr. Laughren:** Mr. Chairman, obviously there are no members in their places right now who will keep the minister answering; so I ask you to count and see how many members there are in here.

The Acting Chairman ordered the bells to be rung.

**5:17 p.m.**

**Mr. Laughren:** Mr. Chairman, the chairman of the standing committee on resources development is in our presence. I hope he will speak on this section as well.

Every time we ask the minister to respond, he says, "I intend to make a full statement before the standing committee when it meets." It is my understanding that when the committee meets, it is going to be dealing with Bill 101, not Bill 99. What is the minister talking about? Here we are dealing clause by clause with Bill 99, which is not going out to committee. The intention is to deal with Bill 99 here and now. It has completed second reading, we are doing clause-by-clause and it is going to have third reading before we adjourn; so it will no longer be before this chamber or before the standing committee.

When I ask the minister to respond, he says we will deal with this section when we debate Bill 101. We are dealing with Bill 99 now, and we will be dealing with Bill 101 before the standing committee. I do not want to accuse the minister of being confused about his own legislation. He has only two pieces of compensation legislation in front of him, and I think he should be able to keep the two bills straight. There is no reason for him to confuse this bill with the other one.

Given that fact, and I think the minister will agree I am right, surely he will agree to respond to the points we are making on these amendments while we are dealing with Bill 99. For the minister to say he will deal with Bill 99 when we

talk about Bill 101 is total nonsense. I did not even know he could do that. If I know the chairman of the standing committee on resources development, and this minister comes before him and tries to talk about a bill that is not before the committee, the chairman will just pull the rug on him very quickly, because he deals with an iron fist in that committee.

The minister is not talking sense to us when he says: "Oh, I am not going to respond to these amendments on Bill 99. I will respond to them when we deal with Bill 101." Does that make any sense? I do not know what the minister is talking about.

Given that fact, perhaps I could ask once again if the minister would care to respond to Bill 99 when we are dealing with Bill 99 instead of waiting and dealing with Bill 99 when we are dealing with Bill 101.

**Hon. Mr. Ramsay:** Mr. Chairman, during each of the previous sessions in which I have been a cabinet minister, before the session was over I eventually lost my temper and said some things I did not want to say. Usually the cause was this honourable member, for whom I have a great deal of personal respect, but he does have a knack for getting under my skin.

I am absolutely determined I am going to get through this entire session without losing my cool.

The member is a skilled orator, one of the finest in this Legislature.

**Hon. Mr. Ashe:** He is?

**Hon. Mr. Ramsay:** Yes, that is right. He knows all the little tricks and he knows the way to get under my skin.

I will confess something. I am just terribly worried that his skills in this Legislature, which are superior to mine, will permit him to get under my skin and that I in turn will lose my temper. I do not want to do that; I have made a pledge to myself that I will not do that.

So I will just make one point and then I am going to sit down and I am not going to get up again, regardless of what he says or how long he says it. He is saying this is not relevant to Bill 101. It is relevant to Bill 101, because at the time we are addressing the ceiling, the ceiling will be addressed in Bill 101. The draft bill already has a major increase in the ceiling, and so it will be discussed in Bill 101. It is relevant.

Mr. Chairman, with the greatest of respect to you and everybody here, I am going to sit down and keep my cool.

**Mr. Laughren:** Mr. Chairman, I am greatly relieved at the minister's remarks, because I have

been the recipient of some of his anger when he has lost his cool in the past and I never want to go through that again.

However, if I thought the minister was perhaps confused before, now I am absolutely certain. For him to say one minute—and I am not trying to provoke the minister—he is not going to respond to these amendments now, while we are on Bill 99, but rather he will deal with the issue under Bill 101, really is an affront to the opposition.

It is true, the minister is quite right that the principle of the ceiling is dealt with in Bill 99 and it is also dealt with in the new bill. But I have been working very hard to try to avoid getting into any kind of debate on Bill 101 because I knew, Mr. Chairman, you would require that I cease and desist immediately if I started talking about a bill that was not before us. I understand that, so I have been trying to concentrate on Bill 99.

However, if you feel the minister is right and if you have some sympathy for his view, then I really should be talking about Bill 101 and I can raise questions now that the minister can deal with when Bill 101 comes before the standing committee. Would I be in order if I were to debate Bill 101, since that is what we are going to be debating when the standing committee on resources development meets in July? Would that be appropriate?

**The Deputy Chairman:** No. We must deal with Bill 99 and more specifically with the section we are now on and the amendment before us.

**Mr. Laughren:** I have to stay with Bill 99, but the minister can talk about Bill 99 when we are considering Bill 101.

**The Deputy Chairman:** If there is overlapping consideration.

**Mr. Laughren:** I see.

**The Deputy Chairman:** You were asking for more than that.

**Mr. Laughren:** I heard the minister say very clearly he would not rise again. I will not prolong it. You can take a horse to water, but did you ever smell a wet horse? I am not going to drag the minister kicking and screaming any farther.

It is an unusual precedent for a minister to sit in his place and decide that he is not going to respond to issues raised under amendments during clause-by-clause debate. That is remarkable. I do not think I can remember a minister saying, "I am not going to respond to anything you raise under these amendments during the clause-by-clause debate." The minister is taking

that position because there happens to be a bill coming forward later that is similar in nature. If we see that as a precedent in this chamber, that is a very antidemocratic attitude being displayed by the Minister of Labour.

What are we here for? Are we here debating each of these clauses? Why do we bother making amendments if all that happens is the government members are not going to speak on any of them and are only going to rise in their places and vote against them all? Is the minister saying that putting amendments and debating them is an illegitimate role for the opposition? It does not make sense that it is illegitimate. It is an important and positive part of the process.

If the government decides that because it has a majority it does not have to deal with opposition arguments, let it say that is what is behind the behaviour of the Minister of Labour. We happen to take our role seriously. The member for Dovercourt (Mr. Lupusella) worked very hard and assiduously in preparing these amendments. They are serious amendments and there are not more of them than are absolutely necessary to get our point across. They are very reasonable.

In effect, the minister is saying: "You make all the amendments you like and debate as long as you like on any of the clauses, but I am not getting into the fray. In my own sweet time, when we are talking about some other bill, I will decide what I will talk about on this bill." That makes absolutely no sense whatsoever.

That is a bad precedent and in the long run will not make for the smooth running of this chamber. It is serious that the minister displays this attitude. I have not seen him behave this way before. If it were the member for Cochrane South sitting there I would expect nothing else, but for the Minister of Labour to be in his place and deciding he is above the fray is simply unwarranted. I want to tell the minister I am most disappointed that he has chosen to display this attitude.

The minister may think it is funny, but to us trying to make our points as opposition members, it is difficult enough when one is in a minority situation and in opposition without having the attitude displayed by the minister whereby he decides they are not going to deal with the opposition on a bill that is important.

**Mr. Lupusella:** Mr. Chairman, I would like to be the devil's advocate for my colleague for a few minutes. I want to display the principle I am most upset about, the attitude of the minister. On this side of the House we mean business when we talk about injured workers' benefits.



**5:30 p.m.**

The five per cent increase is the main principle of Bill 99, and the most anachronistic part of the whole picture is that in theory—maybe the minister is convinced about this—injured workers across the province will be satisfied for another year. That is completely wrong. We can enunciate all the criticism again and spend the next week or two talking about injured workers' problems as a result of Bill 99.

When the minister says this clause will be considered by Bill 101, he is completely wrong. I want to tell the House why. Bill 99, with the ceiling of \$26,800, will be effective as of July 1, 1984. As for Bill 101, we do not know when this damned bill will be before the Legislature. There will be another election, and we do not know what kind of implementation of Bill 101 there will be as a result and what further amendments will be introduced in a new bill.

With regard to the issue raised by my colleague, a feature of Bill 101 is that it does not have any retroactivity clause. That is what the minister has to understand. There is no retroactivity, which means recently injured workers will be considered under the new law. As a result of Bill 101, they will be faced with a different level of benefits, which will be 90 per cent of net.

In Bill 99, we are talking about a maximum ceiling of \$26,800. There is a difference. Injured people under Bill 99 will be losing a lot of money compared to the people who will be covered by Bill 101. The minister has to understand that. We are not playing politics. We mean business. The minister has an obligation to answer for the contents of Bill 99.

Let us not take lightly the notion that injured workers across Ontario will be satisfied with a five per cent increase. That is the main reason the Workers' Compensation Act has become so archaic. There is a vivid sentiment across Ontario that it is time to reshape the Workers' Compensation Act. Each time the government introduces clauses to improve the act, the only feature is the so-called increased of five per cent or nine per cent or whatever it is going to be. I think this attitude must be condemned by us and by injured workers. The minister should know about that. All members of the Legislature are aware of this situation.

Each time a bill is introduced, the main feature is five per cent. Here we are talking about concrete concerns and problems affecting injured workers and, of course, the act is becoming archaic and old-fashioned. It does not take into consideration the new realities affecting injured

workers in our society. No wonder injured workers are mad and upset.

Besides playing devil's advocate to my colleague, I want to discuss the minister's cold approach to the issues we have been facing. Bill 101 may be introduced at the end of the four-year period after 1984 and after the next provincial election, or near the end of 1990, 1997 or 1998.

I think the minister has an obligation to respond to our concerns about Bill 99 without telling us indirectly that our concerns have been taken into consideration and he is going to have an answer later. Bill 99 will be passed, phase 1 of Bill 101 will be considered and then phase 2, whenever that will be. Again, injured workers are behind and we are talking about reshaping the future of injured workers.

I want to associate myself with the comments of the member for Nickel Belt. I think the minister should be ashamed of himself.

**Mr. Laughren:** I will just wrap up, Mr. Chairman. I am not going to prolong it.

It was either the House leader of this party or the whip who asked me what time I thought we would be finished this debate this afternoon. I said, "Between half an hour and an hour would finish up all the amendments." As so often happens when the government ministers decide to stonewall on something, dig in, be uncooperative and not carry on debate in the traditional way, things break down and debates get prolonged.

It is not because we were starting to make long speeches. We were not making long speeches on the various amendments to the bill. It was when the minister rose haughtily in his place and said: "I do not intend to take part in this debate. I will see you in the standing committee in July on Bill 101." That is when we felt aggrieved.

I just put that out to you, Mr. Chairman. I know you cannot direct the minister to rise in his place and respond, but it is another one of those cases where—I do not know whether the minister was trying to expedite things and get through faster than it would have otherwise been, but if that was his intent it sure did not work out that way. On the other hand, if the minister just does not want to debate the clause-by-clause amendments, then that is another matter. It is a very serious matter when a minister of the crown does not want to deal with opposition amendments or debate.

I would put it simply that if the government ministers continue to deal with the opposition this way, it is going to make it an awkward place in which to carry on the business of the province.



**Mr. Chairman:** I cannot help the member with that, except I did hear the minister respond to one of the questions from the member for Dovercourt that he was not quite equipped yet to respond.

All those in favour of Mr. Lupusella's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote stacked.

On section 6:

**Mr. Chairman:** Mr. Lupusella moves that clause 52(3)(b) of the said act, as set out in clause 6(1)(b) of the bill, be amended by striking out "\$350" and "\$175" and substituting therefor "\$365" and "\$183" respectively.

**5:40 p.m.**

**Mr. Lupusella:** Mr. Chairman, besides the principle of the 10 per cent, which has been consistent with the content of our amendments, we are talking about clothing allowances here. Again, we want to express a particular concern to the minister, hoping he is going to reply, because it is a serious concern. It is part of a process which, as he will realize in a few minutes, will make injured workers' lives easier when they are dealing with the clothing allowance and the Workers' Compensation Board.

I also raised this problem with the chairman of the board and the board itself when it appeared before the committee, but I did not see any positive response. It is just a question of implementing particular guidelines to improve the system and make injured workers' lives easier when they are dealing with the WCB.

When we are talking on the floor of the Legislature about hostilities which arise between injured workers and board officials, and when the board is taking the attitude of being against injured workers when this party raises injured workers' concerns without any positive response from the board, the minister has to realize the principle that enough is enough. He has to recognize there are problems and action must be taken if we are serious as politicians and if he is serious as a minister of the crown, representing the government and operating the Workers' Compensation Board at 2 Bloor Street East.

I gave a practical suggestion to the chairman of the board, also mentioned in previous debates, that when an injured worker is called by the pension department to be assessed in relation to the degree of his permanent disability, it is time a standard form be given to the injured worker to make sure the board will get the information as to

whether or not he has been wearing a brace, for how long, for how many years. That application will be processed at the time the injured worker is called for a pension, instead of the injured worker knowing nothing about this particular clause. If he goes around talking to other people, other agencies or politicians, he will find there is an allowance to cover the expense of clothing worn because of the wearing of a harness brace or something that relates to the injury.

The process is quite long. An injured worker has to see a doctor or a specialist, who writes a medical report stating when the brace was given to the injured worker, which year, etc. Such a process can be easily implemented if the board will consider the principle of a standard form to be given and filled out at the time the injured worker is called for a pension assessment. I cannot find an easier process to make an injured worker's life easier.

The other aspect of the situation is that the medical branch of the board is aware of how many injured workers are wearing braces and when they got the braces, either from the attending physician or the specialist, because it is the medical branch of the board that is paying for the braces. They have the statistical data at the medical branch of the board, and here we are with injured workers going around trying to get retroactive payment from the Workers' Compensation Board in relation to the so-called clothing allowance, which in our opinion is inadequate anyway.

I do not want to dispute the amount, I want to dispute the procedure and the way the board is treating injured workers. We have been talking about adversarial positions taken by the board. We are giving constructive recommendations to the board to facilitate the process, but I have not seen anything yet implemented to make the process easier so injured workers do not have to go around seeking extra help from other people to get the clothing allowance.

The other part that bothers me is that even though the clothing allowance has been accepted by the medical branch of the board, by the pension section, the injured worker has to reapply every year. If we are talking about a standard form which will be printed by the board, why does the board not send the standard form to the injured worker asking whether or not he is still wearing the brace in order to qualify for the clothing allowance?

It is a tough process. People are complaining. We are talking about rights. It is a simple right contained within the Workers' Compensation



Act. It is the duty of the Workers' Compensation Board to give these rights to injured workers, but injured workers are supposed to demand their rights if they want to get their money or else they will not get their money. This is the kind of board we have in Ontario trying to deal with injured workers' problems. It does not give what the injured workers are demanding anyway, but at least it should give the simple rights that are contained in the act to make their lives easier.

The ethnic injured worker does not speak the language. He does not know how to write letters to the board to say, "I have been wearing a brace since 1975," because that is when this particular clause was included in the act. Then he has to go to the family physician or to a specialist. He has to wait maybe three months to get an appointment from the specialist just to get a medical report that the brace has been prescribed by the doctor, and he has to take that medical report to the board.

It is tough to be faced with injuries in Ontario, but it is even tougher to get benefits from the board within the limitations of the framework of the law. I think it is time that we free this system. It is the duty of the minister of the crown of this government to become tough, even with the chairman of the board. If he is unable to improve the situation on behalf of injured workers, let us get away from the notion that we have to appoint people who have been Conservatives before and that the government thinks they will do a good job when people are suffering.

Let us get away from the people who have been Conservatives for so many years, who have been appointed for so many years to work at different levels of the board. Because of this close liaison between their position and the Conservative government, they never do the job on behalf of the injured workers anyway. Let us clean the environment and let us give the rights to injured workers, because we are not asking for more than that, until the law is changed.

I do not want to talk about patronage. I want to make the injured workers' lives easy and I am trying to give certain guidelines to the minister of the crown to try to improve the system.

**Mr. Chairman:** All those in favour of Mr. Lupusella's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Sections 7 and 8 agreed to.

On motion by Hon. Mr. Ramsay, the committee of the whole House reported progress.

**5:50 p.m.**

## LAND REGISTRATION REFORM ACT (continued)

Resuming the adjourned debate on the motion for second reading of Bill 66, An Act respecting Conveyancing Documents and Procedures and Recording of Title to Real Property.

**Mr. Riddell:** Mr. Speaker, I believe I adjourned the debate, having just commenced my remarks last evening with about 10 minutes to go before we adjourned the evening session. It would appear I have 10 minutes or so left to give about an hour's speech, so the chances are I might be adjourning the debate again at six o'clock.

I had made a few brief remarks the other evening about the registration, or the lack of registration, of foreign-owned land in Ontario. I said it is rather unfortunate there is no section in the bill that really deals with the foreign investment in our farm land. There is no act in Ontario that really places any control over the purchase of agricultural land by nonresident foreign interests, unlike practically every other province in Canada where there is legislation restricting the amount of land that can be owned by nonresident foreign investors.

Foreign nonresident ownership of agricultural land in Ontario is not a new phenomenon. We in the Ontario Liberal Party and I personally have been concerned about this increasing trend for a number of years and have tried to impress upon the government the need for action in this area. A major problem in getting the government to act, however, has been that one cannot solve a problem if one will not first acknowledge its existence.

As far back as 1973, a select committee of the Ontario Legislature on economic and cultural nationalism recommended to the government in its report on foreign ownership of Ontario real estate that "future acquisition of land by individuals, including agricultural land and the opportunity to farm in Ontario, should be restricted to Canadian citizens and landed immigrants residing in Canada." Needless to say, this recommendation was rejected outright by the government. A government member on that committee, who later became the Minister of Agriculture and Food, was the one dissenting vote on that recommendation.

On December 15, 1978, I asked the former Minister of Agriculture and Food whether he was aware of the widespread and serious concern about block purchases by foreign investors of

agricultural land in Ontario. I also asked him whether it was true foreign interests were circumventing the land transfer tax by forming Ontario corporations and whether he would undertake a survey of current foreign ownership of rural lands in Ontario and monitor all new land transfers.

This request, however, was rejected. It was only pursuant to my private member's bill in 1979, which would have required the registration of all foreign-owned land in Ontario, that the province introduced its own act on December 1, 1980.

The government's interim report of October 1981 indicated only 148,000 acres were foreign-controlled. In November 1982 our party released details of corporations and individuals that were able to circumvent the government's registration legislation as well as the Land Transfer Tax Act.

Those details involve 3,585 acres of farm land in Huron and Bruce counties. These parcels were discovered through investigations at local land registration offices and represented only a fraction of the sales that had occurred throughout the province, unknown to the government. In those sales alone, \$846,000 in land transfer tax had been circumvented.

We were provided with another interim report in December 1982 which, in our opinion, clearly demonstrated the need for the government to become serious about this problem and to come to terms with this very disturbing trend. While the government continued to downplay the significance of the problem, we were told nonresident ownership in Ontario had increased by more than 100,000 acres since the previous year.

On May 24, 1983, the government brought in for second reading a bill to amend the Land Transfer Tax Act, which was to ensure that a nonresident may not avoid the 20 per cent rate of tax imposed on conveyances of land.

Unfortunately, while this amendment plugged the loophole, there is still no means of ensuring that nonresidents forming Ontario companies to purchase land will register under the Non-resident Agricultural Land Interests Registration Act. We believe this can be ensured only by an amendment to the Corporations Act to the effect that land companies with nonresident ownership must first register with the Non-resident Agricultural Land Interests Registration Act before they file under the Corporations Act.

Moreover, we have seen in cases we have documented that the individual who was acquiring the land for other unknown buyers will not

have to pay the 20 per cent land transfer tax in the future, since he has now become a landed immigrant. He has established a host of numbered companies into which he will amalgamate future land purchases. In reality, these companies represent the shares which are owned by the true nonresident investor.

However, this legislation was merely another example of a government that will act on a problem only after it becomes painfully obvious to all that a situation no longer can be tolerated and is so controversial the government must be seen to be doing something.

As far back as 1974, when the land transfer tax was first announced, they stated, "Where a nonresident acquires control of a corporation which owns land in Ontario, this will be deemed to be a transfer of land and the tax will apply." However, the government never chose to introduce that section of the bill at that time, for whatever reason.

The government's latest registration report of March 31, 1983, indicates that 165,476 acres of agricultural land are foreign owned. However, these figures must also be questioned, since the extent of these purchases has never been seriously or completely investigated by the government.

The true purchases of this land are unknown and the details of the purchases continue to be denied to us. For example, the government's latest figures indicate that Bruce county contains 9,146 acres of foreign-owned land. However, the latest figures compiled by the Bruce County Federation of Agriculture indicate the problem is much more widespread, with 14,550 acres foreign owned.

The sad truth of the matter is that the government has never been serious about discovering the true extent of the problem. Only when the true figures on the extent and concentration of nonresident ownership are known can public policy on the question be debated intelligently.

We in the Ontario Liberal Party are concerned not only about the loss of our agricultural land to foreign interests, but also about the long-term effects on rural communities resulting from increasing nonresident concentration. A very disturbing aspect of this trend is its concentration in certain areas of Ontario. In certain townships the extent of foreign buying is not one per cent as the Minister of Agriculture and Food (Mr. Timbrell) maintains, but rather five to 10 per cent.



We do not want to see our agricultural land controlled by nonresidents to the same extent as other sectors of our resource economy. Foreign investors generally have greater access to capital at more favourable interest and exchange rates and can afford to pay more for land in a competitive market. This can prevent local young farmers from entering the industry.

An increase in absentee ownership can lead to an increase in those renting all or part of their holdings. This trend is detrimental to farm efficiency and productivity. We must avoid the scenario of our farmers becoming tenants on our own land. Absentee ownership leads to a loss of population in the countryside, the erosion of traditional farming communities and the breakdown of social pride. A major shift to foreign ownership will reduce local control over decisions that affect the area.

Part of the reason our economy is in trouble today is we have sold most of our industry and most of our businesses to foreign interests. They have a large control over practically everything that takes place in this country. Surely we are not about to let our primary resource, agricultural land, go into the hands of nonresident foreign investors.

I tell the members that it is happening. I am going to end my remarks by reading a letter I received the other day from a realtor. I will not give the name of the person because I am not at liberty to do so, but the letter reads as follows:

"Dear Mr. Riddell:

"As you are no doubt aware, there have been inquiries as to the availability of farm land from foreign interests, Germany, etc., and in this regard I was wondering if you could direct me as to whom I would contact at foreign consulates in Toronto to advise them of what land there is available. Any assistance you can offer in this regard is appreciated."

That is a letter from a realtor who is looking for foreign investors to buy our agricultural land. If this realtor wrote to me, how many other realtors are running around the country offering farmers good deals on agricultural land, knowing they have foreign investors ready to buy up as much land as they can possibly get?

It is a serious situation, and I sincerely hope this government takes some interest and starts to take some measures to control the amount of land we are allowing to go into the hands of nonresident foreign investors.

The House recessed at 6 p.m.

## CONTENTS

**Thursday, June 21, 1984**

### Statement by the ministry

Ramsay, Hon. R. H., Minister of Labour:

**Accident at Falconbridge**, Mr. Mancini, Mr. Martel ..... 2703

### Oral questions

Brandt, Hon. A. S., Minister of the Environment:

**Waste disposal**, Mr. G. I. Miller ..... 2716

Davis, Hon. W. G., Premier:

**Chairman of Metropolitan Toronto council**, Mr. Peterson, Mr. Rae, Mr. Epp. .... 2708

Grossman, Hon. L. S., Treasurer and Minister of Economics:

**Interest rates**, Mr. Rae, Mr. T. P. Reid, Mr. McClellan ..... 2713

**Waiting placement fee**, Mr. Cooke ..... 2715

Norton, Hon. K. C., Minister of Health:

**Acid rain**, Mr. Peterson, Mr. Elston ..... 2710

**Extra billing**, Mr. Rae, Ms. Copps, Mr. Cooke ..... 2711

Snow, Hon. J. W., Minister of Transportation and Communications:

**Layoffs of construction supervisors**, Mr. Conway ..... 2717

**Cable television rates**, Mr. Philip ..... 2718

Taylor, Hon. G. W., Solicitor General:

**Activities of police**, Mr. Renwick ..... 2717

Timbrell, Hon. D. R., Minister of Agriculture and Food:

**Crop insurance**, Mr. Mancini ..... 2714

### Petitions

**Sale of beer and wine**, Mr. Boudria, tabled ..... 2720

**Contract workers**, Mr. McClellan, tabled ..... 2720

**Independent schools**, Mr. Sweeney, tabled ..... 2720

### Reports

**Standing committee on regulations and other statutory instruments**, Mr. Gillies, agreed to ..... 272

**Standing committee on procedural affairs**, Mr. Treleaven, adjourned ..... 272

**Standing committee on procedural affairs**, Mr. Treleaven, adjourned ..... 272

### Second reading

**Land Registration Reform Act**, Bill 66, Mr. Elgie, Mr. Riddell, recessed ..... 273

### Committee of the whole House

**Workers' Compensation Amendment Act**, Bill 99, Mr. Ramsay, Mr. Mancini, Mr. Laughren, Mr. Lupusella, recessed ..... 272



**Other business**

<b>Tabling of information</b> , Mr. Conway, Mr. Nixon, Mr. Speaker .....	2699
<b>Justices of the peace</b> , Mr. Roy .....	2699
<b>Tabling of information</b> , Ms. Copps, Mr. Speaker, Mr. Nixon, Mr. Ruston, Mr. Epp, Mr. T. P. Reid, Mr. Elston, Mr. Boudria, Mr. Van Horne, Mr. Mancini, Mr. Bradley, Mr. Breithaupt, Mr. Spensieri, Mr. G. I. Miller .....	2700
<b>Accident at Falconbridge</b> , Mr. Rae, Mr. Davis, Mr. Conway, Mr. Speaker .....	2703
<b>Tabling of information</b> , Mr. Elston, Mr. Speaker, Mr. J. A. Reed, Ms. Copps .....	2704
<b>Wintario capital grants program</b> , Mr. O'Neil, Mr. Martel, Mr. Speaker, Mr. Davis, Mr. McClellan .....	2705
<b>Tabling of information</b> , Mr. Peterson .....	2707
<b>Members' expenditures</b> , Mr. Peterson, Mr. Speaker, Mr. Boudria .....	2707
<b>Visitors</b> , Mr. Speaker .....	2708
<b>Tabling of information</b> , Mr. Conway, Mr. Speaker .....	2719
<b>Notice of dissatisfaction</b> , Mr. Renwick, Mr. Speaker .....	2720
<b>Answers to questions in Orders and Notices and response to petition</b> , Mr. Wells, tabled	2722
<b>Recess</b> .....	2735

**SPEAKERS IN THIS ISSUE**

Boudria, D. (Prescott-Russell L)  
Bradley, J. J. (St. Catharines L)  
Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)  
Breithaupt, J. R. (Kitchener L)  
Conway, S. G. (Renfrew North L)  
Cooke, D. S. (Windsor-Riverside NDP)  
Copps, S. M. (Hamilton Centre L)  
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
Davis, Hon. W. G., Premier (Brampton PC)  
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
Elston, M. J. (Huron-Bruce L)  
Epp, H. A. (Waterloo North L)  
Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
Kerrio, V. G. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
Lupusella, A. (Dovercourt NDP)  
Mancini, R. (Essex South L)  
Martel, E. W. (Sudbury East NDP)  
McClellan, R. A. (Bellwoods NDP)  
Miller, G. I. (Haldimand-Norfolk L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K. C., Minister of Health (Kingston and the Islands PC)  
O'Neil, H. P. (Quinte L)  
Peterson, D. R. (London Centre L)  
Philip, E. T. (Etobicoke NDP)  
Rae, R. K. (York South NDP)  
Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
Reed, J. A. (Halton-Burlington L)  
Reid, T. P. (Rainy River L-Lab.)  
Renwick, J. A. (Riverdale NDP)  
Riddell, J. K. (Huron-Middlesex L)  
Rotenberg, D. (Wilson Heights PC)  
Roy, A. J. (Ottawa East L)  
Ruston, R. F. (Essex North L)  
Snow, Hon. J. W., Minister of Transportation and Communications (Oakville PC)  
Spensieri, M. A. (Yorkview L)  
Sweeney, J. (Kitchener-Wilmot L)  
Taylor, Hon. G. W., Solicitor General (Simcoe Centre PC)  
Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
Treleaven, R. L. (Oxford PC)  
Turner, Hon. J. M., Speaker (Peterborough PC)  
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)











No. 78

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Thursday, June 21, 1984

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, June 21, 1984

The House resumed at 8 p.m.

## LAND REGISTRATION REFORM ACT (concluded)

Resuming the adjourned debate on the motion for second reading of Bill 66, An Act respecting Conveyancing Documents and Procedures and Recording of Title to Real Property.

**Mr. Swart:** Mr. Speaker, I am going to speak very briefly on this land registration bill, as did the member for Huron-Middlesex (Mr. Riddell), first because at least some people in this assembly think we are getting into something of a time bind and we should not waste any words unless they are meaningful.

Second, this bill is highly technical. I am sure any registrar of land titles would understand the bill thoroughly because what it does is give him new machinery and new technology to perform his duties. To members of this Legislature who are not wholly familiar with the procedures, many parts of the bill have little meaning and lay members here have some difficulty in deciding whether the application of the technologies in the manner proposed is beneficial.

Third, speaking briefly, I think we all agree that the thrust of this legislation is desirable, because the attempt to modernize and update our land registration system is long overdue. Certainly our registration system currently lags far behind the technology that exists. Furthermore, we have known for decades of systems that would better serve the public, such as the land titles system, which is enforced exclusively in the western provinces of this nation and throughout much of the world. In Ontario we have been very slow to adapt to the land titles system.

I attended the opening of the new land registration building in Welland just last week. The Minister of Consumer and Commercial Relations (Mr. Elgie) was there, along with some other cabinet ministers. Incidentally, the member for St. Catharines (Mr. Bradley) frequently complains, as do other members, about how all the dignitaries are up on the platform without the sitting member for the area. That is quite all right with me because it always backfires politically. Last time they did that, there was an editorial in

the paper condemning the government for being so biased as not to have the sitting member there.

I want to refer to a conversation I had with the registrar. I asked him how far they had moved towards the use of the Land Titles Act. He told me that after 25 years—I was on county council and one of those who fought to bring it in—most, if not all, of the new registrations are coming under the Land Titles Act, but unless there had been very major problems in an area, there was no general swing to the land titles use.

It seems to me that because the system is so superior for the public, the government should take action to encourage putting our land in this province under land titles for the sake of land owners. I am not going to take time to go into what I think are the real benefits of land titles, but we certainly move very slowly in that field.

In this beautiful new land registration office—which involved an expenditure of \$1.4 million, if I remember correctly, by the government of Ontario—we saw the same old files and practically the same old filing system and documents that were there when I was on county council almost 30 years ago.

I think we can do better than that. Quite frankly, I believe the reason we have not moved ahead much more rapidly in the modernization and updating of our land registration system and in moving to land titles is that the government has been protecting the legal fraternity to a very substantial extent.

I see the member for Oxford (Mr. Treleaven) on the other side shaking his head and waving his hand. I want to point out that when we tried to get the land titles system into Welland county, it was the legal fraternity that fought it coming in. Everyone else was in favour of it because everyone knew how beneficial it was, but not the legal fraternity.

I would not want to say that all members of the legal fraternity were opposed to it, but there were enough of them, a majority, who wanted to have the opportunity to go on searching titles with all that cost to the purchaser of land as it changes hands instead of having the guarantee under the land titles system. There is no question that it has been, to some extent at least, the lawyers and their association who have prevented us from



moving into the 20th century on our land registration system.

As the member for Huron-Middlesex stated, one of the problems of our present system is knowing who even owns the property in this province. All of us are aware of the tremendous disadvantage there was in the Cadillac Fairview transaction because we did not know who the real owners were. I guess we still do not know. Perhaps the member for Oriole (Mr. Williams), when he gets up to speak—because he looks as though he is going to get on his feet—will tell us who the real owners are. But after all that, we do not know who the real owners are. That situation exists, as the member for Huron-Middlesex said, to a very substantial degree. It has moved in the last few years to the farm land of this province.

Concerning the numbered companies, I concede that we now have a declaration whereby the government says foreign owners must declare their interest in land when they acquire it. But there is no real way of forcing them to do that, because we really do not know; they can buy into a numbered corporation and not declare their interest. This government has no way of finding out and forcing Ontario ownership of the farm land we have.

I am not going to repeat what the member for Huron-Middlesex said, but I was concerned enough about this issue that I introduced a private member's bill back on April 10. Of course, the Corporations Act has to be changed to make the disclosure and prevention of foreign ownership of our farm lands fully operative, but I introduced a private member's bill that would much more effectively prevent the foreign ownership of our land and provide for the disclosure of the foreign ownership of our land.

**8:10 p.m.**

Something like 173,000 acres of our land, according to the government's own figures, are now owned by nonresidents of this nation, people who are not citizens of this province or even of this nation. That may not sound like a lot, but when we realize that is our best farm land, it means something like 1.5 per cent of our prime farm land is foreign-owned.

That may not be as serious as it is in other provinces, but it is going to become much more serious because the other provinces have taken action to prevent it. Therefore, any foreigners who wish to purchase land in this country will now be coming to Ontario. Prince Edward Island, Quebec, Manitoba, Saskatchewan and most of the other provinces have legislation. Those four even have legislation to prevent

out-of-province ownership of land over a 10 hectare limit; I am not sure I agree with that. We need that kind of legislation. The farmers feel we need it too.

After I introduced my private member's bill in the Legislature, I received a copy of a letter from the Elgin County Federation of Agriculture. This letter was addressed to the Premier (Mr. Davis). Copies were sent to the member for Elgin (Mr. McNeil), the member for Kent-Elgin (Mr. McGuigan), the member for Huron-Middlesex myself, the Minister of Agriculture and Food (Mr. Timbrell), the member for London Centre (Mr. Peterson), the member for York South (Mr. Rae) and Harry Pelissero, the president of the Ontario Federation of Agriculture. I will read two or three paragraphs.

"Dear Mr. Davis:

"It has been brought to our attention that Mr. Swart, the NDP agriculture critic in the Legislative Assembly, has tabled a private member's bill designed to sharply curtail nonresident foreign ownership of Ontario farm land.

"We are aware that without unanimous consent, this bill will not be debated in the Legislature. Therefore, we respectfully request you to put aside partisan politics for the moment and support this bill. We are of the firm opinion that this legislation is immediately required in order to conserve the family farm as we now know it. This legislation is of the utmost importance."

There are several other paragraphs. The final paragraph says, "In closing, I would again strongly urge you to support this bill because we believe it is urgently required in Ontario today."

Even if the government were to adopt this bill, the first requirement for making it effective would be a registration system so we would know who the owners of the land and properties are.

We in this party are going to support Bill 6 because it does move us ahead a few decades, although belatedly. We should have had this bill 20 years ago, but we have it now and even though it is late, we in the New Democratic Party are not going to vote against it.

**Mr. Williams:** Mr. Speaker, I appreciate the participation of members on all sides of the House in this debate on a very important piece of legislation, the significance of which is probably lost sight of because of some of the more immediate and equally important legislation that has been before the House in recent days.

As the member for Welland-Thorold (Mr. Swart) indicated, this legislation has been in process for some time. It has evolved over



considerable period of time; a time frame of 15 years, no less. I think it is only fitting and proper that I touch briefly on the evolutionary process during that period so the members have a full appreciation and understanding of the significance and importance of this legislation which we hope we will be enacting before the conclusion of this session of the Legislature.

I cannot think of another piece of legislation that has had the involvement of so many people over such a prolonged period of time. While the matter has been of particular interest not only to members of this Legislature down through the years but also to members of the legal profession, the real thrust and purpose of this legislation is to provide a better land registration system for the benefit of the people of Ontario.

As an example of the ongoing interest that has been shown in the progress of this legislation over the years, I think it was the member for Kitchener (Mr. Breithaupt) who in estimates after estimates over the years has always seen fit to inquire about the progress of this legislation, as I have had the opportunity to do as well. I think it is indicative of the continuing high interest in seeing this principle of a new land registration system brought to fruition in a meaningful, workable fashion.

I know the member for Oxford has had a particular interest in this legislation. I have certainly taken into consideration his interest and concerns in bringing this legislation forward, because I know his interest arises not only out of his professional involvement as a member of the bar but also by reason of the fact that the prototype system was launched in his own bailiwick.

The prototype system we have developed to date, and which will be launched officially with the enactment of this legislation, has been evolving within the registry office in the city of Woodstock. I have sought his counsel and have been most pleased, as has the minister, with his continuing interest and involvement in this process.

The process began long before many of us, including myself and the member of Oxford, were even in this Legislature. I might very briefly point out that it all began back in the late 1960s when the Ontario Law Reform Commission, under the mandate that it had under the Ontario Law Reform Commission Act, decided it would embark upon a major undertaking to assess land registration in this province. It was a very masterful and significant work that was authored through a period of two or three years, emerging

in 1971 as a report that launched, at least in concept, the program we hope to put in place in a very practical, working way this week after the enactment of this legislation.

There were three major proposals that emerged from that report. First, the recommendation was to improve the form of legal documentation, to modernize and simplify it and probably follow as precedent the type of forms that are used in other neighbouring jurisdictions within our own country, such as the western provinces referred to by the member for Welland-Thorold, and other jurisdictions where the land titles system operates. Even though we have the dual system of land titles and registry system, there is no reason why the legal forms in use cannot be simplified and modernized to adapt to both systems. Indeed, this is what we are about here with this legislation.

**8:20 p.m.**

Another of the major recommendations was that the form of legal documentation be modernized and simplified and that we move into the computer age, because even back in 1971 there was enough foresight by the members of that committee to see that the technological age was moving very quickly and that we were going to lose the benefit of it if we did not start to participate at the early stages.

This recognition and concern at the time arose out of the fact that the number of registrations occurring in the province were growing at an alarming rate. The registrars were sending the message very strongly into Queen's Park that their inability to cope and keep pace with the degree of activity in the heyday of land purchases and other land transactions was stressing the system, to say the least.

This was an extremely important direction in which to recommend change. In concert with that was the need to develop a more sophisticated mapping system. This system has been embarked upon in our eastern neighbouring provinces in the Maritimes where some considerable degree of success and progress has been made with regard to developing the co-ordinate and mapping system. We will be mirroring that type of mapping progress here in Ontario with the enactment of this legislation.

These were three major considerations proposed by the Ontario Law Reform Commission at the time that gave reason for the ministry then to—did you wish to say something, Mr. Speaker?

**The Acting Speaker (Mr. Cousens):** No, the honourable member has the floor.



**Mr. Nixon:** He wanted to know if this is a filibuster.

**Mr. Williams:** I am just getting warmed up.

We moved then to stage 2. As we move to the enactment of this legislation, I hope this week, with the support of the members of the opposition and all members of the House, we will actually be at stage 6, the most important and significant stage of all.

Moving from the Ontario Law Reform Commission report to the involvement of the property rights division of our ministry, stage 2 was the next significant step. It was determined at that stage that such a major undertaking as had been recommended by the commission had to be analysed from a practical point of view of whether it was achievable in a very practical way and beyond the conceptual stage.

It was, therefore, the responsibility of the property rights division in 1971 to embark upon a feasibility study, which it did in earnest and with vigour. It took another six years to develop a massive concepts report that produced all the necessary information that would ensure this was not only a conceptually sound program but also one that realistically would improve the land registration system in this province. It was achievable from a cost point of view and from an administrative point of view.

The concepts report issued by the property rights division in 1977 did recommend two basic things. First, the technology to be applied was built into the report and should be pursued. They thought it was the appropriate type of technology. Second, their concepts report showed the program could be implemented and properly funded with the strategy they proposed in their report. That was stage 2, another very significant development in the historical evolution of the reform of the land registration system.

I have to stress, and I think the member for Prescott-Russell (Mr. Boudria) in particular will be interested to know when I respond to the specific matters he raised in the debate the other day, one of the major considerations was whether or not, at the same time as revising and modernizing the system, we should move immediately to the land titles system.

**Mr. Martel:** Mr. Speaker, on a point of order: If you use your calculator, you will find there are only 12 members here. Maybe you would like to call a quorum.

The Acting Speaker ordered the bells to be rung.

8:29 p.m.

**The Acting Speaker:** I am informed that there is now a quorum. We invite the member for Oriole, who had the floor, to continue.

**Mr. Williams:** Mr. Speaker, I resume the process of saying, particularly to the member for Prescott-Russell, one of the important decisions made in 1977 within the concepts report was that a conversion of the system to the land titles system would be deferred until after the existing systems had been automated, so that a valid cost-benefit comparison could then be made.

It is important that the member for Prescott-Russell bear this in mind, because members will recall he asked a number of questions the other evening as to why we had not gone directly to the land titles system and converted the registry system at that time. I will be speaking further on that, but the decision was made in 1977 that the conversion to a total land titles system would be deferred until this system had proven itself particularly on a cost-benefit basis.

That took us through stage 2, and it was stage 3 that brought us to review by the cabinet and the approval emanating therefrom in 1979. That was the next significant and important stage in the evolving of this system. This, of course, gave the green light to the property rights division of the ministry to proceed with haste to set up a prototype system known as the province of Ontario land registration and information system, so that it could move from the drawing board to an operations mode.

It is with thanks to many dedicated and hardworking people that the Polaris system, which is the term used as an acronym for the province of Ontario land registration and information system, moved into high gear at that time.

Under the the directorship of Norm Harris of the Polaris staff, a small group of dedicated people within the legal section, such as Bob Blomsma, Gillian Burton and Peter Wechselmann, along with operations people such as Steve Manol, the survey people under Ray Scott and the systems people under Andy Datlen, have worked tirelessly to bring this system into an operational mode.

They are to be given a great deal of credit for bringing us from the drawing board to a working system, but they need this legislation to complete the job. This is the beginning of a new era and a new stage of the proceedings that will bring this system truly into operation throughout Ontario.

While the prototype was being developed as stage 4, in conjunction with that legislation was being developed to help to modernize the system. In conjunction with the establishment of the



prototype, two bills were enacted in 1981 and 1982 respectively that helped to modernize the registration system. I refer specifically to the Registry Amendment Act, enacted in 1981, which in effect was to shorten title searching for users of the system.

This was accomplished in two ways. First, it limited the title search to a specific 40-year period, whereas prior thereto one had to ensure there was good title for at least 40 years. As many of us who have practised real estate law over the years know, on occasion one would have to search back even beyond the 40-year period in order to make good title.

The period was set at 40 years. Therefore, with the enactment of this bill, one did not have to search back beyond that period.

At the same time, it eliminated a great deal of paperwork in the system because it eliminated all discharges of mortgages from the registry. Lawyers no longer had to be continually drawing out mortgages and discharges of mortgages for inspection to ensure that title was or was not encumbered by this type of security document. With the ruling off of the mortgages, it has significantly cut down the paperwork and is therefore, in itself, a cost-efficient move.

The second piece of complementary legislation enacted was the Certification of Titles Amendment Act in 1982. This legislation provided that a certificate could be issued to guarantee, in effect, the title behind registered plans of subdivision. Lawyers would no longer have to search behind the registered plans of subdivisions which came under the Certification of Titles Act.

While the original Certification of Titles Act had been enacted at an earlier time, the amending act gave the initiative to the registry system and the operators of the system to speed up the process by bringing existing plans of subdivision under the Certification of Titles Act.

Those were the five historical steps taken to bring us to the landmark action we are taking here today with the hoped-for enactment of Bill 66. This bill will take us into the computer age for land registration purposes.

In moving in this direction, the member for Prescott-Russell addressed himself specifically to the bill the other day. He dealt with the very major concerns he, I and others have shared as to the benefits and the related cost-benefits of the system. While this revolutionary move will be of benefit to the people of Ontario, first and foremost we had to satisfy ourselves that the system was going to be cost-efficient.

It was the member for Prescott-Russell who really pursued these extremely important matters in the House the other day. I would now like to specifically address my reply to the concerns and questions he raised. After having done so, I would hope the members of the House will see the bill moves into committee and we can deal with the more specific aspects of the legislation at that time. I will have one specific amendment to put forward when we move into committee.

However, before doing so, I want to deal a little further with the principle of the bill and deal specifically with the matters raised by the member for Prescott-Russell. It will not take me as long to deal with those matters raised by the other members who have participated in the debate. I find many of their concerns were somewhat peripheral to the main thrust and purpose of this legislation, although I will comment briefly on their concerns as well.

The member for Prescott-Russell initially asked how long it would take for the system to be implemented throughout the whole of the province.

Is he waving a flag of surrender there? Bear with me.

**Mr. Ruston:** Hang out the white flag. We will give in. We want to get the minister's bill done.  
**8:40 p.m.**

**Mr. Williams:** That is right. I am sorry, but I think the member for Prescott-Russell deserves nothing but the best in the way of a detailed response and he shall have it.

Interjections.

**Mr. Williams:** Another one. They are coming out of the trenches. This is indeed heartening, and it is not even a controversial bill. It reminds me of the Wine Content Act that we were debating here a few weeks back.

**The Acting Speaker:** The honourable member will speak to the bill. Do not get sidetracked.

**Mr. Williams:** The answer to the member's question on how long it would take to implement the system throughout the whole of the province is approximately 12 to 15 years. I hasten to clarify that this is to implement the modernization or computerization of the system and to put on stream the new set of forms that would be put into use throughout the province. This is not dealing with the conversion of the registry system into land titles, for the reasons I had told members earlier. That is a determination that will be made after this system has proved itself after a short period of time in place.



The member had expressed concern about how long it would take to have the forms available throughout the whole of the province. There are two aspects of it. One is to get the computerized system totally operational. It will be isolated for the immediate future in the registry office system in the Woodstock area, but we hope to be moving out of that area within the year and into other registry offices to set up the system. But as far as the use of the new, simplified forms is concerned, we hope those forms can be officially put into use throughout the province within the coming year.

**Mr. Boudria:** I wanted to know how long it would take to set up the whole system throughout the province.

**Mr. Williams:** As I have indicated twice, it will take a period of between 12 and 15 years to have it operational across the province. I will explain the time frame in a moment or two.

The member had inquired whether we were planning to do something similar to what has been done in the maritime provinces. In fact, he appeared to have the impression that a system like this was in place and operating in the maritime provinces. That is not factually correct. They are very much in the conceptual stage of considering this system in the Maritimes. While a great deal of money has been spent in the Maritimes—and I do not question the \$78 million the member suggested may have been spent up to this point to develop that system in the Maritimes—in fact, they are still not off the drawing board.

The \$78 million is approximately correct from the information I am able to obtain from my officials. That money is largely made up of federal funds that have been injected into the development of the system under the equalization grants program that the federal authorities have had in place.

That program has been in process for some 15 years in the Maritimes. It so happens that they have been concentrating on the development of the co-ordinated mapping system and their survey system has been given high priority. With regard to the development of forms and the computerization of the registration system itself, they are still very much behind where we are.

I know the members are anxious that I put before the House the full details of the system in response to the member's detailed concerns, but I hope to be able to accomplish that within the next 15 minutes so the House leader will not be too thrown off with regard to the scheduling of other legislation this evening.

In addressing the other specific points the member had raised, I would point out that the \$78 million that appears to have been spent over the past 15 years in the Maritimes does not overshadow the \$3 million we have spent on the system in the past three years. I think the costs are probably comparable if we could equate it to the same time period.

**Mr. Martel:** Mr. Speaker, I hate to interfere again, but the member keeps driving everyone out. Would you call a quorum. Let the Tories suffer with us.

The Acting Speaker ordered the bells to be rung.

**8:49 p.m.**

**The Acting Speaker:** I am pleased to inform the members we have a quorum.

**Mr. Williams:** I have just received a note of unconditional surrender from the other side. In five minutes I wish to address the remaining issues raised by the member for Prescott-Russell.

He asked me in the House the other day what the total costs of the system would be. It is guesstimated it would cost at least \$30 million to put the existing system totally into place. It would be at least double that if we tried to convert to the land titles system. It could run anywhere from \$60 million to \$100 million. That is why we have to proceed very cautiously towards the land titles system at this time.

The total cost of the system is estimated to be about \$30 million, but there are cross-benefits to be received in savings incurred. On another occasion I hope we will have an opportunity to debate that at some length. To some extent members will have to support the legislation on blind trust this evening because I do not have the time to give all the cost figures, but I will send over a breakdown of what it has cost to date for the program.

It is \$4.2 million, and the cost of the prototype operation in the Woodstock office has run to \$315,000 in this part of the program. These are some of the specific cost figure responses that I am providing to the member for Prescott-Russell. It is hoped we can have the new forms available for distribution throughout Ontario and the system under way early in the new year. As we move into stage 6, this will be a giant step forward in the reform of the land registration system in Ontario.

There is one amendment that will be introduced in the committee stage. It is a technical amendment pertaining to section 25 of the act, and I will send a copy of it to the member



opposite. It simply corrects a typographical error. The first line in subsection 25(2) refers to striking out subsection 22(25). It should read "subsection 25(26)."

With those few brief comments, I will let the matter move to committee stage.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

## LAND REGISTRATION REFORM ACT

Consideration of Bill 66, An Act respecting Conveyancing Documents and Procedures and Recording of Title to Real Property.

**The Acting Chairman (Mr. Gillies):** Any comments, questions or amendments to Bill 66.

**Mr. Williams:** Mr. Chairman, the explanatory note in the bill speaks for itself. It shows the breakdown of the legislation in part I dealing with the new documentation I discussed at some length when speaking to the principle of the bill.

**The Acting Chairman:** Would the parliamentary assistant speak to a section of the bill, please? We are in clause by clause.

**Mr. Williams:** Part II deals with the automated recording and property mapping, which is the extremely important cost consideration feature of the bill. The appropriate part III deals with the necessary amendments to other land registration legislation. I would only be putting the amendment I referred to a moment ago to subsection 25(2) to correct a technical error in the draft bill.

**Mr. Martel:** Mr. Chairman, I was going to make a number of remarks, but I think I will refrain so we can get this business done. This one-man filibuster by the parliamentary assistant has gone on for one hour.

**Mr. Cureatz:** You never do it.

**Mr. Martel:** I am only here to make sure things run smoothly. I could speak for an hour. If I am provoked, I might well do that. I have a private member's bill dealing with land registration in Orders and Notices. It has to do with guaranteeing that we know who is buying up property in Ontario, particularly farm lands. A number of years ago I sat on the select committee which made a whole series of recommendations. But I will refrain.

What worries me is this opening statement. I would say to the government House leader we are falling into a trap. These opening statements on the clause-by-clause study of a bill got him in

trouble once on another piece of legislation, and it has been repeated again tonight. I suggest once the chair recognizes—

**Hon. Mr. Wells:** There should not be opening statements.

**Mr. Martel:** You did not, but my friend did. The government creates the opportunity to make another speech ad infinitum.

**The Acting Chairman:** Could I ask the member—

**Mr. Martel:** Please do not interfere. The member made the opening statement. You invited it, Mr. Chairman.

**The Acting Chairman:** Order. I have asked members that we not compound any problems at this point, that we speak to sections of the bill. We are in clause by clause.

**Mr. Martel:** I am sorry, Mr. Chairman. You made the same mistake the last chairman did. You asked if there were any introductory remarks. We do not have any introductory remarks. The only one who had them was my friend. You invite long, needless, lengthy debates by doing that. It is not in the rules, to my knowledge.

**The Acting Chairman:** I would ask members for questions or comments on the clauses.

**Mr. Boudria:** Could the parliamentary assistant enlighten us? If one reads this amendment, it refers to subsection 25(2), but subsection 25(2) of which section?

**The Acting Chairman:** We are on page 35, subsection 25(2). It is part IV of the bill.

Sections 1 to 24, inclusive, agreed to.

On section 25:

**The Acting Chairman:** Mr. William moves that subsection 25(2) of the bill be amended by striking out "subclause 25" in the first line and inserting "subclause 26" in lieu thereof.

**9 p.m.**

Motion agreed to.

Section 25, as amended, agreed to.

Section 26 agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Wells, the committee of the whole House reported one bill with certain amendments.

## FARM PRODUCTS PAYMENTS AMENDMENT ACT

Hon. Mr. Timbrell moved second reading of Bill 104, An Act to amend the Farm Products Payments Act.



**Hon. Mr. Timbrell:** Mr. Speaker, I am pleased to submit for second reading the Farm Products Payments Amendment Act, which will extend its application to include farm produce stored under the Grain Elevator Storage Act. In addition, this legislation will assist in establishing the legal framework to allow the government to put in place by regulation, producer protection funds for corn and soybeans. This act will work in concert with the Farm Products Grades and Sales Act.

These protection funds are essential to the long-term security of our grain producers. They represent a continuation of a trend towards financial protection for Ontario's food producers that began in the 1960s with the creation of the first of these funds, for milk. Subsequent financial protection funds have been set up for egg and beef cattle producers and, earlier this year, for producers of vegetables for processing.

Existing financial protection programs generally include four elements: the licensing of dealers or buyers, proof of the financial responsibility of dealers, mandatory payment periods and an industry-financed fund to compensate sellers in the event of a default. This act is the legal basis for the protection funds.

Furthermore, the Farm Products Payments Amendment Act will also allow the cost of assuming the financial responsibility of the dealer to be paid by the fund, because financial responsibility is of course the key condition of the granting of a licence. Without this provision, the costs of these assessments would have to be borne by the government, and it is our aim to make these protection programs self-supporting.

This act and the regulations that will follow, will provide the financial protection that both this government and the industry feel is vital to its future. Indeed, these measures have been brought forward in response to the requests of, and in consultation with, corn and soybean producers.

I commend this piece of legislation to my colleagues in the House as a necessary and important step towards extending the umbrella of financial protection to Ontario producers of corn and soybeans.

**Mr. Riddell:** Mr. Speaker, I know this bill has nothing to do with the payment for milk, but I have been bothered all night about the term that was used this afternoon to refer to our good Premier (Mr. Davis), Buttermilk Bill. I thought it was a real discredit to the Premier until I got thinking about it, and I thought maybe it is an appropriate term because buttermilk is milk

lacking the ingredient that gives it substance, and that is the reason it takes on kind of a bluish tinge.

Anyway, getting back to the bill, it is somewhat annoying to have these bills come into the Legislature for speedy passage at the last minute, just before the summer adjournment, when I consider the time that was lost before the introduction of the budget, when we did absolutely nothing around here, and when I consider the amount of time the minister had to introduce this legislation. I can go as far back as June 1983, when we were debating the Grain Elevator Storage Act, at which time I stated—and if the minister wants to check Hansard, he can—was imperative that a fund be established for the protection of farmers in the case of default of payment.

The minister looked upon it very lightly at the time—I am going to have more to say about it as I get along in my remarks—but unfortunately I took the financial collapse of Niagara Grain and Feed Ltd. to convince the minister that the Grain Elevator Storage Act, passed in June 1983, was nothing more than show-window legislation. I said so at the time we debated the act, and my colleague the member for Kent-Elgin (Mr. McGuigan), who knew what he was talking about, also said it was nothing more than show-window legislation.

I am sure that company going into receivership must have been extremely embarrassing for the minister, so much so that he realized his obligation and moral responsibility to compensate the affected farmers for their losses.

As I have already stated, during the latter part of 1983, a company by the name of Niagara Grain and Feed Ltd. in Smithville went into receivership. Some 87 farmers who had grain stored at the elevators, and others who sold grain to the elevator and were left with worthless cheques, remained without payment for their product and with no answers from the Minister of Agriculture and Food (Mr. Timbrell) to the number of serious questions surrounding the collapse of the elevator company.

The Minister of Agriculture and Food assured farmers at the annual meeting of the Ontario Federation of Agriculture on November 29, 1983, that this was the first time the Ontario Grain Elevator Storage Act was to be tested, and unless it was challenged in the court, it should not take long for the farmers to recover the money.

It did not take long for the minister to discover that farmers had little protection in the case of default of payment. As in the past, the minister created a false sense of security among farmers.



with statements that led them to believe their financial interest would be protected in cases such as this.

The minister stated in the Legislature on February 18, 1983, in introducing the Grain Elevators Storage Act, "It would further protect the producer in sales transactions by declaring that the owner retains title to the grain until he receives his money."

The report of the government's own financial protection task force in March 1977 stated:

"It is important that any legislation concerning preferred credit status of farm products be effective rather than merely appear to be effective. Illusory protection is probably more harmful to a farmer's long-run financial interest than no protection at all. Under a no-protection situation, he tends to operate by prudent business practices, while under illusory protection, even the prudent manager is lulled into a false sense of security. The financial protection task force believes the adoption of illusory priority credit status measures is unfair to farmers, legislators and the buyers of farm products."

Moreover, this case is another example of the government's failed regulatory function similar to the collapse of a number of trust and investment companies over the past three years. A warning to the ministry by a trucker-broker some four weeks prior to the receivership went unheeded, and the licence of this elevator company was renewed by the ministry shortly before its collapse which allowed it to remain in operation during the harvest season. We will likely have a little more to say about that when we get on to the next bill, the Farm Products Grades and Sales Act.

**9:10 p.m.**

During the summer of 1983, the Minister of Agriculture and Food warned farmers that when they bought machinery at auction sales, they should be aware that if there was a lien on the item they would lose title to the equipment even though they had paid for it. The minister's statements about retaining title to the grain until paid for created the illusion that the farmers had a lien on the grain until they received their money. To their sorrow, the farmers found this belief to be an illusion.

We in the Liberal Party labelled the Grain Elevator Storage Act as show-window legislation when it was debated on June 21, 1983. The farmers soon learned it was nothing more than show-window legislation, and it was certainly up to the minister to share some of the loss which, to give him credit, he did. Rather than act, the

minister reacted, which is very typical of this government's procedure, but at least we now have the fund my colleagues and I called for more than a year ago.

Basically, the amendment we are dealing with tonight will allow the minister to establish a financial protection fund, through regulation, to cover not only losses from the sale of corn but also losses from corn in storage. If corn happens to go missing from the elevator storage, for whatever reason, producers will still get back 90 per cent of the crop value. This protection is designed to avoid such situations as the Niagara Grain and Food receivership last year about which, I repeat, the minister must certainly be embarrassed.

It is of concern to us that this legislation has taken so long to be introduced, in the last minutes before this Legislature recesses. The minister will recall that during the debate on the second reading of the Grain Elevator Storage Act, on June 21, 1983, we on this side of the House told him his amendments were certainly lacking as far as a financial protection fund was concerned.

Picking up the Hansard of June 21, 1983, I will read a quote from my statement when we were debating the Grain Elevator Storage Act, "I regret very much having to say, however, that the minister's amendments to the Grain Elevator Storage Act, as found in Bill 40, is nothing more than show-window legislation."

A little further on, I said: "We take issue with this bill because no fund has been established to which moneys can be directed whereby, in the case of bankruptcies, the producers who have sent their grain to the elevators for storage will receive their payment if the grain elevator operator happens to go bankrupt."

All through my debate I talked about this fund, which was most important for the protection of producers who were either selling grain or putting grain in storage. Then the New Democratic Party opposition critic got up and said, "I find myself supporting in principle the comments made by the member for Huron-Middlesex (Mr. Riddell); however, I am a little bit confused about them."

**Mr. Martel:** We want higher interest rates.

**Mr. Ruston:** Why would the member for Sudbury East (Mr. Martel) not come in and vote on it?

**Mr. Martel:** Come on, give us some higher interest rates.

**Mr. Riddell:** Just listen. If it takes all night, I will say what I have to say. The NDP opposition critic said, "I find myself supporting in principle



the comments made by the member for Huron-Middlesex; however, I am a little bit confused about them." That is not uncommon. He went on to say, "...it seems the intent of this bill is that the producer retain title to his grain while it is in the elevator until it is paid for."

The member for Kent-Elgin interjected and asked, "What if there is no money behind it?" The member for Welland-Thorold (Mr. Swart) replied: "He still retains title to the grain. I think it is a little different from the situation where the farmer sells his produce, they process it, then there is a bankruptcy and obviously he cannot get his produce back. But this bill, as I understand it, provides title to the farmer for his grain until it is paid for. Therefore, it does not have the same need, I would suggest, as other areas of bankruptcies, because if he owns that grain—"

I interjected, asking what happens if the grain is squandered. The New Democratic Party critic said: "He owns it. That is what the legislation is for and what I understand they inspect it for. The whole purpose of the legislation is to ensure that he owns that grain until it is paid for."

Here is an example of where the minister not only had the wool pulled over the eyes of the producers but also had the wool pulled over the eyes of the NDP critic. The NDP critic thought this bill would give the producers the kind of protection they needed.

My colleague the member for Kent-Elgin and I were trying to tell him all through that debate in June that legislation would do absolutely nothing to protect the producer in the case of defaulted payment, and it was proven with the bankruptcy of Niagara Grain and Feed Ltd.

I suppose what finally convinced the minister that he should be introducing some kind of legislation whereby a fund would be established was the visit by the Ontario Corn Producers' Association on April 11, 1984. They visited with members of the various caucuses to get their assistance for the creation of a financial protection plan to protect farmers from default in the sale and storage of commercial grain corn.

It took a debate in June 1983 where we in the Liberal Party insisted that a fund be established, the bankruptcy of a fairly large company that sells and stores grain and a visit by the Ontario Corn Producers' Association to finally convince the minister there had to be a fund established to protect the producers of grain from default of payment.

Now that we have the fund established, we certainly do give credit to the minister for eventually seeing the light and bringing in

legislation, although at the last minute. I am certainly pleased we are dealing with it now rather than after we come back from the summer recess. The chances are that it would be too late then to really benefit the producers, because the grain harvest will be starting at that time.

We have the legislation before us and I do not think I need to tell the minister we are supporting it. It is something we should have had last year for the protection of those farmers who probably took quite a loss, although the minister did come to their aid. I thank him for it, but some of these producers probably took a loss they would not have taken had the legislation been in place last year.

**Mr. Swart:** Mr. Speaker, I rise on behalf of my party to support this legislation, which meets a request by the corn producers to establish a financial protection plan such as there is at present for eggs, some livestock, milk and cream, and more lately vegetables for processing. It also provides that the fund can pay—and I have some reservations about this—for the cost of determining the financial responsibility, because that can use up a lot of money. It applies to grain in storage, or at least to the corn that will be in storage; of course, we are very supportive of that in this party.

**9:20 p.m.**

I recognize it is necessary for the minister to produce and gazette the regulations. In fact, the legislation we are passing is meaningless, as was the legislation passed to amend the Grain Elevator Storage Act last year, unless regulations are produced and gazetted. One year after that bill was passed, we still do not have the regulations and therefore the legislation has not yet been proclaimed.

When the minister gets up to reply to those of us who speak on this bill, I hope he will give us some indication when the regulations will be produced and gazetted, and whether they will apply to both corn and soybeans or, for that matter, any of the other grains. We want some details and some commitments from the minister this time, after the negligence by he and his ministry in producing regulations for the amendments to the Grain Elevator Storage Act which was passed last year.

We want to compliment the Ontario Corn Producers' Association for getting a handle on the corn industry so quickly in the short 18 months it has been in business. Even if it is at the end of the session and even if we did pass legislation a couple of weeks ago relating to financial support for the association so it can



continue its work, I have no doubt this legislation is before us now because of the collapse of the elevator at Niagara Grain and Feed Ltd. in Smithville. The minister is very embarrassed and has moved a little further in this direction and at a little greater speed than he otherwise would have done if that had not taken place.

The member for Huron-Middlesex took great pains to read into the record the comments I made when we debated the amendments to the Grain Elevator Storage Act. I want to say that we clearly have a separate issue before us tonight. It does not matter what kind of amendments we moved at that time; we could not have introduced an insurance plan. We were told it at the time and it could have been fact if the minister had produced the appropriate regulations in time.

There would have been protection for those who had sold their grain to the elevator. They would not have had to pay out the \$280,000. I think my figure is about right, is it not? The government paid out some \$280,000 to the farmers who had sold their grain to the Smithville elevator.

**Mr. Martel:** Do you need a rest?

**Mr. Swart:** Is the member for Sudbury East going to call for a quorum again?

**Mr. Martel:** You might want to count the members again. Do not count the Speaker. Get off the nonsense. They waited until the member for Chatham-Kent (Mr. Watson) got in. There were 18. I checked twice. Do not play the game with me.

**The Deputy Speaker:** With all due respect—

**Mr. Lane:** Look who is playing games.

**Mr. Martel:** Darned right. If the government wants to sit at night it should have enough members in here. Take a look where they are from. Most of them are from out of town.

**The Deputy Speaker:** I was at the table. I did a count and things were in order. The member for Welland-Thorold will please continue.

**Mr. Swart:** I can understand the feeling of our House leader. We have a few more members on the other side tonight, but for most of the evening the Conservative benches have been much more sparsely populated, as a proportion of their members, than either of the opposition parties. That is not abnormal in this House. It is not abnormal to have no cabinet ministers in here, or only one or two, when very important debates are taking place.

I was speaking about the collapse of the elevator at Smithville and the fact that if the legislation had been passed, the regulations

proclaimed and the appropriate regulations tabled, the government would not have had to pay out the kind of money it had to pay out. The government may dispute it, but the simple fact is the government could have tabled the kind of regulations that would have prevented that payout.

I recognize there are two ways of providing security to the producer in these transactions. One is the insurance program, which will provide security even in case of fraud. The other is the type of legislation that will require the elevator operators and the other dealers in grain to issue cheques that do not bounce.

As the minister well knows, about a month ago I tabled a private member's bill that would require the owner of the elevator to pay either in cash or by certified cheque. If he paid by an ordinary draft against a bank, the producer would retain title to his grain for up to 10 days. This would prevent the probability that the elevator owner would be issuing cheques that were going to bounce. He would not dare do it because he would be in a position of fraud.

There are two aspects to this. One is to ensure the elevator operator does not sell grain before he owns it, as apparently was done in the case at Smithville. Then there is the insurance program we have before us tonight, which will provide that regardless of what may happen to the dealer financially, the producer will get his money.

Corn producers do not feel the legislation we have before us is the ultimate in all respects, but they are anxious to have this legislation passed to get in place, before the fall season, some assurance that they will not be caught by a bankrupt purchaser as has happened in many other commodities.

I too have some concerns about the intent of the legislation, which will levy the total insurance premium against the farmers. This is in contravention of the general insurance programs where the dealers also have to take some responsibility and pay some levy.

**9:30 p.m.**

I am aware the minister has the power, under the Farm Products Payments Act as it exists, to levy against the dealer as well, but the corn producers are not asking for this and I think I am correct in saying it is the understanding, at least at this time, that there will be no levy against the dealers and that is one reason the dealers have no objection to this legislation.

I am sure the minister agrees with me that in the long term the dealers themselves have some obligation to pay part of the premium, that



farmers should not be paying the whole shot for their insurance, especially when the legislation we have before us provides that the dealer gets some insurance as well. A dealer also, if he does not get payment when he sells the grain, can apparently, according to this legislation, lay a claim against the fund. It just seems a little bit unjust that a dealer who pays no premium can get reimbursement out of this fund.

I know the reasons for it, and we are voting for this legislation because if the farmers had insisted there be a premium against the dealers it would have delayed the bill longer. They are willing to take this risk and perhaps an unfair levy so we can get this legislation in at the present time to apply to this year. I am supporting it because I understand that, but I hope when the minister gets up he will make some comments about his longer-term intention with regard to the levying of the premiums for this insurance for the producers in this province.

Because of this situation, my party and I will be supporting this legislation. I just want to conclude by saying once again that the Ontario Corn Producers' Association should be commended, not only for moving so rapidly in getting protective legislation and legislation that will permit it to finance its own organization but also for its willingness at this time to pay perhaps somewhat unfair levies to get the plan into effect.

I just want to say to the minister that in the passage of this legislation, which we are supporting, I hope he will take a look at the private member's bill I submitted, because it could be very valuable companion legislation to this.

There is, I suggest, some danger that when we have this insurance program in place for the corn producers so that they will be reimbursed regardless of bankruptcy, bad management or whatever may take place with regard to the elevators, the elevator operators and dealers may not be quite as careful as they would be if such legislation were not in place. Some of them may be more apt to sell grain that is not their own, to go deeper into debt than they otherwise would or to sell grain they do not yet own.

Therefore, because of this probability that the dealers will not operate their businesses in as good a business manner as they would have if this legislation were not in place, I suggest that my bill, which would require them to have the funds there to pay the farmer, is a very necessary appendage to what we have before us this evening.

**Mr. Riddell:** Oh ye of so little faith.

**Mr. Swart:** Yes, and we are people of small interest rates. You have never heard this party justify the high interest rates for farmers, as the member for Huron-Middlesex did. No, we think there should be intervention to—

Interjections.

**Mr. Riddell:** Mr. Speaker, on a point of order: The information the member has provided is factually incorrect, but regardless of what one says about interest rates, at least I did not call farmers prostitutes as the member for Welland-Thorold did when he suggested that anyone who deals in a futures market is comparable to a prostitute. I wanted to have that copy of Hansard here.

**The Deputy Speaker:** Order.

**Mr. Riddell:** He has called farmers a bunch of prostitutes.

**The Deputy Speaker:** Order. That language is simply not permissible.

**Mr. Riddell:** It is in Hansard.

**The Deputy Speaker:** It may be, but it is not permissible to repeat it.

**Mr. Swart:** Mr. Speaker, on a point of privilege: I did not say that. Even if it was said, that is unparliamentary and the member should retract that statement.

**The Deputy Speaker:** The member really ought to lift it from his use.

**Mr. Riddell:** Mr. Speaker, as sure as I am standing here—and I shall bring it down the next time I come—

**Mr. Martel:** Show it now.

**Mr. Riddell:** It is quoted in Hansard that he said anyone who deals in futures—

Interjections.

**The Deputy Speaker:** Order. Take your seat please. A dispute between two members is not something the chair is about to deliberate on. We are here to remind us all of decorum and all our rules of order and have the debate proceed accordingly.

Has the member for Welland-Thorold completed his remarks, or is he wrapping up?

**Mr. Swart:** I am sorry, Mr. Speaker. I have had some difficulty hearing.

**The Deputy Speaker:** I wondered if the member had completed his remarks.

**Mr. Swart:** Yes. I have completed my remarks.

**Mr. McGuigan:** Mr. Speaker, I am happy to rise and give my support to Bill 104. I take some



personal pride in this because one of my goals in the agricultural field when I came to this Legislature was to see adequate protection for the sellers of farm products.

We are not quite finished yet. We have the processing products, the fresh fruit and vegetables and there are probably one or two other items to cover. In our myriad of farm product marketing acts there are some which assume ownership of the product and there is some protection given to farmers through those acts.

It is rather sad that we had to go to 1984 to bring in the first good act of coverage that actually gives protection. It was recognized by the government back in 1975, when it brought in the protection act, that there was a problem. It passed the original legislation and gave itself a bit of an out to come back to farmers and say: "The basic legislation was passed. It is up to you to put it into action." The government gave itself a bit of protection from what might come from behind.

The government was very quiet in advertising and pushing and talking to farmers about the need for protection. One might say that is not the government's purpose. It seems to me it is its purpose. If our agriculture ministers had played the advocacy role played by the federal Minister of Agriculture for the last 14 years—he went out and fought his own cabinet or anybody willing to stand up against him for the rights and the protection of farmers; had ministers in this House done that, we would not be talking about this bill today.

**9:40 p.m.**

This government has played a role of benign neglect of farmers with respect to payment for their crops. There is nothing more frustrating than to have grown a crop, whether it is a field crop, an orchard crop or livestock, to have suffered all the perils and risks involved from the natural phenomena of weather, to have suffered the slings and arrows of markets, and then, increasingly, to come up against the actions of governments, not only governments here in Canada but those abroad.

I could give many instances where people have been shafted. They have grown a crop expecting it to go on the world market, and then a government that was interested in protecting its own producers passed a regulation and knocked the market right out the window.

I could give an example brought about by President Reagan. When he first took office, he took a look at the marketing orders they have in the United States and said, "We are going to take

away from those marketing orders any aspect of price enhancement." They have a marketing order that has been in effect for many years with pie cherries. That is probably the most variable crop we have. Yields jump and fall by 100 per cent a year.

In the United States they had a system whereby they would set aside a portion of that crop in a big year because that crop is easily stored in frozen form. They would set it aside from the market and that had a price-enhancing effect. It took away the oversupply and, instead of being a very depressed market, it was a reasonable market.

Two years ago, just about at harvest time for the cherries, President Reagan said, "You can no longer set those aside because that is price enhancing." It knocked six cents a pound or \$120 a ton off the price of our Canadian cherries. It had nothing to do with the risks of growing those cherries, such as the weather and so on. It was simply by a political act in another jurisdiction that money was lost.

To have gone through all those risks, to have delivered the crop, to have a storage ticket or a cheque and to find it is of no value, is a most disheartening part of farming. I wish I could tell members—

**Mr. Martel:** Go ahead.

**Mr. McGuigan:** All right, I will.

There was a young farmer in my riding who turned down a very promising career in the National Hockey League. He was doing very well. He had an offer from one of the teams to go on a farm team. The prospects were that this chap would become a professional hockey player. He liked to farm, so he turned down the opportunity. His father started him out farming. Two years ago he had a nice crop of tomatoes.

Because he was a new farmer coming into the business, he could not get a contract with one of the old-line companies such as H. J. Heinz Co., Campbell Soup or Aylmer. He got a contract with what we might call a speculative company, a new company starting out. This company itself had very bad luck. It was not all bad management by any means. That company ran into a streak of bad luck.

The upshot was that his \$40,000 crop became nothing. When it was finally due, the interest had brought it up to about \$44,000. With the help of both the provincial and federal governments, he did get about 56 per cent.

When I was with that chap, he was on the point of breaking into tears. His body was shaking. I was feeling as badly as he was that I could not do more for him. I would have liked to achieve 100



per cent for that fellow. If members could meet these fellows, they would realize.

It would have been so simple to pass this legislation back in 1975 when the need was quite apparent, but this government has a system: "Don't fix it unless it is broken. Don't take any chances. Don't do any leading. Wait for the proper conditions to come along. Wait for a big bankruptcy to come along. Wait until there are 50 or 20 farmers out there in bad straits. There are just a small number of people. Why worry about them? What can 15, 20 or 30 farmers do to us? Such a few people are not going to vote us out of office. They give us the momentum and the springboard to come through with the legislation."

That system has kept the government in office for 40 years. From that standpoint, I suppose they cannot knock it. If we were to achieve power, we would not be there for 40 years. There is no way we would be there for 40 years. We would do well to get through two sessions of parliament.

**Hon. Mr. Timbrell:** Two sessions or two terms?

**Mr. McGuigan:** Terms.

**Hon. Mr. Timbrell:** The member was probably right the first time.

**Mr. McGuigan:** We would do well to get through two terms because we would do something for people. We would not wait for situations where a bunch of people were crushed before we took some action. I am not a very nasty or unforgiving person, but I cannot forgive the government for what it has done to those people. I will not be satisfied until I see the government carrying this legislation through to cover all aspects of agriculture.

By way of a compliment, I think the route the minister has taken is the correct route. I guess the minister has heard me talk often enough about the routes they have taken in the United States and I have praised them, but I am certainly willing to say here and now this system of an insurance fund is by far the best system there is.

If we go back a minute and think of the banking system of the early people who became the first custodians of gold bullion, they soon discovered they could run the banking system for a fraction of the moneys on deposit in the vault. There are banks in the United States today that have zero figures in the vault. We can look upon foreign debts that are absolutely worthless; yet they continue operating banks with zero funds in their vaults. The point is that it only takes a very

small amount of money in the vault to make the system work.

For the billions of dollars of farm products that are handled in Ontario, we would probably need just a few million dollars to cover the losses that occur in any given year. In fact, I anticipate that after the government had collected money for four or five years, if this money is actually set aside and farmers collect interest on it—I do not know whether the government is going to operate it that way or whether it is simply going to take it out of the consolidated revenue fund—if it was looked upon as an interest-bearing fund, it would not be very long before it was self-supporting. It would not be costing anybody anything because only a very small amount of money would be required to provide a backup to take care of the few bankruptcies that occur in any given year.

The other system that has been mentioned several times is that of making sure the buyer of the farm product has a sum of money set aside in the form of cash, guarantees, bonds or whatever, but in any case an amount of money that would cover the cost of the product he buys.

**9:50 p.m.**

I want to pause here to point out, especially to my friend the member for Welland-Thorold, that anybody who understands agricultural economics will agree, although not all farmers would, that it is always the farmer who pays in our whole marketing system. The price of corn, for example, is established in Chicago, and it includes the unloading and insurance charges, the transport by boat, the money charges and the unloading charges here in Toronto or Montreal, right through to where it is being used.

They tote up all those charges, and even a little bit for the shrinkage that occurs, because every time one moves a grain product from one position to another, some of it grinds into dust. If you have ever watched them unloading a boatload or a truckload of grain, you would see a bit of dust blowing away. That is the grain blowing away. They even factor in that infinitesimal amount of product that actually disappears in the process.

At the very end what is left is the price they pay to the farmer. We farmers complain about that a great deal, but it is not always bad. If one looks at the price of corn today, it is pushing \$5, and some people think it is even going to go over that, but it is ranging between \$4.60 and \$4.75. I am not sure of the price today, but it is getting close to \$5. When the farmers planted that corn, most of them would have been pretty happy to get a price guarantee of, let us say, \$3.50, because the crop that sold the year before was selling for about



\$2.50. When they planted that corn, it would have looked pretty good at a price of \$3.50. They are getting \$4.50. The farmer gets what is left, and in some cases he does very handsomely on it; in some cases he wins.

I can recall in 1972 soybeans were up to \$12 a bushel. The people who had planted those soybeans were looking for a market somewhere in the range of probably \$2.65. The member for Lambton (Mr. Henderson) would recall those days; it was back about 1970-71. They would have been glad to get \$3, maybe even as low as \$2, but in the final analysis some of those people got \$12. The system is not always against the farmer when he gets what is left.

I want to point out to the member for Welland-Thorold that it really does not matter whether the farmer pays the fee, whether the receiver pays the fee or whether each one of them pay the fee; in the final analysis it comes out of the farmer.

When the minister makes that split, as he has done with cattle producers—it looks good, and I am not knocking it—in the final analysis the cost all comes back to the producer. Anyone who knows his beans about farm economics, like the member for Durham-York (Mr. Stevenson), who is an agricultural economist, would agree. I would like to see him and the member for Welland-Thorold perhaps talk this over. It is the farmer who pays these costs.

By going to an insurance program where you require only a very small amount of money, you save financing that crop twice. The farmer has financed it to grow it and put it in storage. Then if you are also asking the receiver to set aside enough money to finance that crop—and when you are talking about crops worth \$5 a bushel, you are talking about a lot of money to finance them—he is financing that crop twice. It is the farmer who is paying in both cases.

In the case of the misinformation we had a year ago about it being the farmer's property until it was paid for, I suppose we could theorize about that, but if we ever had such a piece of legislation that was enforced by law we would knock out most of the small receivers of farm products. What buyer, for example, Kellogg's buying for human food or the distilleries buying to produce alcohol or the starch companies buying to produce starch, would buy a product from a small company?

What major buyer would buy a product from a small company unless he had a signed statement backed up with money, which would be a cost. He would have to have a signed statement backed

up with money that the product was paid for. Is the minister following me? He would not want to take the chance, after he got that into his elevator or into his cornflake box or into the bottles or whatever it went into, that farmer Joe would come along and say: "My dealer did not pay me for it. That is my product in your storage. Even though you paid for it, you can pay me again."

Of course, there is the question of co-mingling when one mixes products. One cannot co-mingle a combine. A farmer might buy a combine at a sale—the minister pointed this out a year or so ago—but he should make sure that combine did not have a lien on it. In that case, the combine has a serial number on it, so it can be traced. It cannot be mixed up with a neighbour's combine. But when one gets grain in an elevator and it co-mingles, one has a lot of problems. That avenue is perhaps a theoretical avenue, but in a practical sense, it is of no value.

I wonder if the minister would clear up a point for me. I could not find it in Bill 104. He said this was just to cover corn and soybeans. I suppose that would be by regulation. Is it because he looked at other grains and decided they do not need coverage? I know there is not that much oats grown in the province any more, but some are grown. There is barley and rapeseed.

I suppose white beans are probably covered by the Farm Products Marketing Act. When one looks at some of the minor grains, they may be minor in volume in Ontario, but they certainly are not minor in terms of a person who might be growing them, especially as we move towards opening up more and more of northern Ontario agriculture, the three million acres the minister speaks of quite frequently. They certainly are not going to be able to grow corn on them, at least not any varieties we know of today.

The grain crop that is open to them is largely rape. Even barley would hardly mature. Perhaps oats would mature in some of those areas. I wonder if the minister could give some thought to whether or not grains other than corn and soybeans are covered. Offhand, I cannot think of any reason they should be left out. I would appreciate an answer on that.

In summing up, the minister has taken the correct route. I believe he has gone the full way. I think he has gone the extra mile. I am sorry it has taken this long, but I think he has done the right thing as far as these products are concerned. I look forward to the day when any product, other than a few minor products that are going to escape the net, to the day when all the major crops are covered by legislation that guarantees



that the farmer who produced those gets paid for them.

**10 p.m.**

**Mr. Riddell:** On a point of privilege, Mr. Speaker: You were not in the chair when a little earlier on I accused the member for Welland-Thorold of suggesting that farmers were participating in prostitution. I want either to correct the record or to verify the record. I leave that entirely to your discretion.

I have in my hand a copy of Hansard dated February 14, 1983. It was during the debate of Bill 7, the Toronto Futures Exchange Act. I quote the member for Welland-Thorold: "But this business of the commodity futures exchange reminds me of prostitution. If you are in favour of the principle of it, then maybe you need some regulation with regard to it. The regulations can perhaps make it a bit more acceptable. You could have health tests for prostitutes, now and then you could get them off the streets. You could put them in a certain area. So I suppose if you support prostitution, then you want to regulate and control it."

**The Acting Speaker (Mr. Cousens):** Honourable member, I have very great difficulty in seeing how your personal privilege has been abused by what you are trying to raise.

**Mr. Riddell:** I was just correcting the record. They asked me to produce Hansard with the direct quote.

**The Acting Speaker:** Thank you.

**Mr. Riddell:** All I want to say is that if the member is wrong in suggesting that other members advocate high interest rates, I am sure he is wrong in suggesting that farmers participate in prostitution.

**The Acting Speaker:** The honourable member is trying to make more—

**Mr. Riddell:** Farmers use commodity futures extensively so is the member for Welland-Thorold suggesting that they are participating in prostitution?

**The Acting Speaker:** Indeed, the honourable member stood on a point of personal privilege, and I just have to rule that this is not one. But I think you have really tried to get in—

**Mr. Roy:** I thought it was clearly a point of privilege.

**The Acting Speaker:** I do not think it is a point of personal privilege; and no, that is not the way to raise it.

**Mr. Martel:** Mr. Speaker, the point of privilege was not against my friend. He had to

withdraw some comments because he made an accusation against my colleague the member for Welland-Thorold that he was not able to substantiate.

**Mr. Riddell:** I did.

**Mr. Martel:** It is a pile of nonsense. Anyone can distort what is being read.

**Mr. Riddell:** It is right in Hansard.

**Mr. Martel:** If the member is that simple-minded and he cannot understand what is there, that is his problem. But he cannot take fact and distort it to suit his own convenience. He can play all the games he wants, but he has to withdraw and he knows it.

**The Acting Speaker:** We are on Bill 104, An Act to amend the Farm Products Payments Act. Interjections.

**The Acting Speaker:** Order. I take pleasure in calling upon the Minister of Agriculture and Food.

**Hon. Mr. Timbrell:** Mr. Speaker, it remains to be seen how great a pleasure it will be.

I will try to respond briefly to the various points raised, but I will start by answering the last question raised by the member for Kent-Elgin inasmuch as we will not be going into committee of the whole House on this act. I do not have any amendments and, as I understand it, neither do the opposition parties. I would like to answer that now.

We have been discussing for some considerable time with the various producer organizations the question of the creation of these financial protection funds. The discussion goes back to the legislation we discussed in this chamber a year ago today. In fact, it predates it, I guess. I can only share in the frustration of the members opposite that it has taken this long.

The policy we have followed for about six or seven years since the legislation was passed has been to promote the concept of the financial protection funds but not to force them. There have been instances since I became minister in which I suppose one could say I forced the beef protection fund. I felt it was pointless to carry on the debate that was under way at the time; it was not going to end up anywhere.

I suppose in a way I forced the vegetables for processing protection fund. Neither the growers' marketing board nor the processors were very keen on that when I raised it with them about nine or 10 months ago for the first time. In this case, after we passed that legislation a year ago, I remind the member and his friend the member for Huron-Middlesex that if they look at the Hansard



for a year ago today, I said then that the piece of legislation we were discussing on that occasion was not the be-all and end-all, that it should not be considered as the total protection package and that there was a need for a financial protection plan to complete the package. Even after that, there was no enthusiasm shown by the producer organizations.

Like the member, I too look forward to the day when there will be a complete package of financial protection plans covering all commodities. I do not think, though, given the nature of the agricultural community—and I fully concede that the member for Kent-Elgin knows it better than I do—that it would be wise to ram it down the throat of every producer of every commodity. We do have a responsibility to promote the concept, and I know that in this respect we are helped by members such as the member for Kent-Elgin, because I know that wherever he goes in his constituency or in the province he promotes the concept.

**Mr. McGuigan:** Friendly persuasion.

**Hon. Mr. Timbrell:** Friendly persuasion.

At this time, the representatives of the corn and soybean producers are supportive of having plans put in place for their commodities. We have talked to members of the Ontario Wheat Producers' Marketing Board; at this time, they do not want coverage. We have talked with the members of the Ontario Bean Producers' Marketing Board; they are considering the question. Therefore, it may well be that in addition to the two to which I have referred in my statement, we will be bringing forward in the coming months, by regulation, a plan for white bean growers.

I would hope the Ontario Wheat Board would also see the wisdom of developing such a plan over time. However, I do not think we should go beyond keeping the question or the option before them and our willingness to work with them.

With respect to the funds, I should point out that except for the milk fund—which was the first of the funds, established in 1966—these moneys do not go into the consolidated revenue fund; they are held separately. Each of the funds is administered by a board appointed on my recommendation. The moneys are invested. The interest earned on those investments is credited to the fund.

I do not know that one would ever totally eliminate the checkoff. I recently reduced the checkoff for the beef protection fund from 20 cents to 10 cents. As long as I am the minister, I do not anticipate that I will ever recommend totally eliminating it. I think its very presence,

even if it is reduced to a mere fraction of its original amount, and the fact that it shows in every settlement cheque and every statement of account, has to reinforce the reasons for the plan and the role of the producer. It polices the system. I would think it would have a very salutary effect. I think members can see the wisdom of this.

**Mr. McGuigan:** I do not think we should have the marketing board running the minister; he should make them respond.

**Hon. Mr. Timbrell:** That may be.

**The Acting Speaker:** Order.

**Hon. Mr. Timbrell:** Several members have referred to the Niagara Grain and Feed Ltd. situation. I think the facts are well known. It would take me a great deal more time than is available to go through it all. However, suffice to say this legislation and its companion bill, Bill 105, were not inspired by the problem at Niagara Grain and Feed as far as the government is concerned. As I said earlier, we had raised it even before the debate of the Grain Elevator Storage Act, a year ago today. However, the enthusiasm among producers certainly increased after Niagara Grain and Feed went into receivership.

I would like to say this sort of thing could easily be developed. Some of the members have asked, "Why has it taken so long?" These plans involve a number of organizations, producers, the grain and feed dealers' associations, the Ontario Grain Corn Council and others who have an interest, a stake and a concern in the issues.

It is not that one can go to the registrar of regulations office or the legal branch of a ministry and pull a protection plan off the shelf and say, "There, that will do nicely for grain corn." One simply cannot do that. Negotiations have taken a great deal of time.

I would like to answer the member for Huron-Middlesex. I would have liked very much to have had this legislation a couple of months ago. I would have liked to have had this at the time of my earlier pieces of legislation and done it as a complete package of five bills. I did three then and I am doing two now. It simply was not possible because of the discussions and negotiations which have been going on for months with the affected and interested parties.

**10:10 p.m.**

On my recommendation at cabinet yesterday, the Grain Elevator Storage Act will come into force on July 1. I will be taking the regulations for the act to cabinet next Wednesday. Assuming they will accept my regulations, which they



normally do, thank goodness, they will take effect soon afterwards.

By the way, the payout for Niagara Grain and Feed was not as high as the member for Welland-Thorold indicated. It was \$197,000, not \$280,000.

Mr. Speaker, I would like to conclude on that point, so we can deal with this bill and perhaps in the 20 minutes remaining deal with Bill 105.

**Mr. Martel:** No, we have a vote.

**Hon. Mr. Timbrell:** Oh, we have a little thing called a vote. In that case, Mr. Speaker, we will finish Bill 104 tonight and go on to Bill 105 tomorrow or this month or next, whenever the House leaders arrange the schedule.

Motion agreed to.

Bill ordered for third reading.

#### FARM PRODUCTS GRADES AND SALES AMENDMENT ACT

Hon. Mr. Timbrell moved second reading of Bill 105, An Act to amend the Farm Products Grades and Sales Act.

**Mr. Riddell:** Mr. Speaker, I have a few very brief remarks on this one. A proposed amendment provides for the licensing of grain dealers who purchase grain from producers. The primary criterion for licensing is to be financial responsibility. The present act allows licensing to be carried out but the provisions for financial responsibility and payment by dealers require strengthening.

The bill also includes amendments to bring the Farm Products Grades and Sales Act parallel with the Live Stock and Live Stock Products Act, as amended recently by Bill 69. We were happy to see the Minister of Agriculture and Food (Mr. Timbrell) has at last agreed with the position the Ontario Liberal Party pointed out to him during the debate on the Grain Elevator Storage Act on June 21, 1983. We stated then that an insurance fund must be established in the future to protect farmers in cases such as this.

We went on to tell the minister government protection must go much further. The licensing procedure must be much more comprehensive in investigating the ability of a company to meet its financial obligations. Terms of payment must be clearly spelled out. The fund must be guarded by examination and audits of receivers of farm produce. The fund cannot become a blank cheque to cover the transgressions of irresponsible or incompetent receivers of farm produce.

I hope the licensing of the dealers might be more effective than it has been under the act

establishing the licensing of dealers in meat products. It was somewhat interesting to me to learn, during the standing committee on public accounts in March of this year, that government administrators of the program revealed that only 388 licences had been issued and 74 other applicants were deemed to have been licensed and there are somewhere in the neighbourhood of 1,200 dealers—

**Hon. Mr. Timbrell:** No.

**Mr. Riddell:** Yes, there are. It was verified during the public accounts committee where suggested there were about 1,200 dealers, and I believe the Deputy Minister of Agriculture and Food said that figure was in the ball park. The fact is the licensing program to date has not been too effective. I hope the licensing of grain dealers will be far more effective and take place in a much shorter period of time.

Finally, we call on the minister to move immediately to increase inspection staff under the chief grain inspector. I have no qualms about the chief grain inspector. I think he has had a tremendous burden placed upon his shoulders. The Ministry of Agriculture and Food's horse and-buggy inspection services, with one chief inspector and one part-time assistant to cover 28 elevators in Ontario, is simply not good enough.

I hope the minister, in his response, will tell us he is going to have more inspectors to enforce the licensing, to see that the dealers are licensed and properly complying with their licenses, because we cannot expect one chief inspector and one part-time inspector to do the job that is going to have to be done.

**Mr. Swart:** Mr. Speaker, we will be supporting this bill and we have no amendments to propose.

The bill gives authorization to the minister in many ways to establish regulations. I hope he will respond and say when he expects to have those regulations produced and gazetted, because if this bill is going to have any meaning it can only have that according to the regulations which he indicates are going to be produced.

We also support the principle that fines should be substantially increased for those operating without licences. However, I am concerned about the policing of this act as with the policing of the other dealers on other commodities. I wonder whether the minister can tell us how much he expects the policing and licensing of this act is going to cost, because that will really tell us a lot.

If he is prepared to put money into it, it will tell us the type of policing. If he is not prepared to put



money into it, it is going to be like the licensing of the livestock dealers and it will not have a great deal of meaning. When he rises, perhaps he can tell us his licensing plans and how much he plans on spending in setting up the licensing and policing system.

**Mr. McGuigan:** Mr. Speaker, I rise to support Bill 105. I notice in subsection 1(2) of the bill it says, "Any regulation made under this section may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any grade...under the Canada Agricultural Products Standards Act." As I read this, it means the provincial inspector can adopt and enforce the regulations of the Canada act.

I want to note an interesting point. At the moment, Ontario producers are shipping strawberries to the United States. The United States has always had a regulation, as we do, that products must be marked "Product of Canada." The master container contains eight quart boxes. The master container is marked "Product of Canada" but the quart boxes are not.

If they wish to enforce the law, they can make our producers put that mark on every quart. They have not done it for a number of years. Through the Canadian Horticultural Council we have word that they are attempting to enforce that this year. That puts a terrible burden on Canadian shippers.

The way one combats that is to threaten them or actually to go ahead and do the same to them with some of their products. They send lots of products over here in master containers which are later sold in smaller containers that do not show the point of origin. This really is a bargaining tool. I hope we do not have to use it, but it is pertinent with the trading practices we have today with all governments fighting protectionism. They are trying to resist protectionism, but nevertheless it keeps creeping in, especially in an election year. I take it that is one of the reasons the minister has brought in that regulation.

10:20 p.m.

**Hon. Mr. Timbrell:** Mr. Speaker, I am pleased to have the support of the parties opposite. With the enactment of this legislation, the creation of the protection fund and the attendant reviews that will be made of the financial position of each of the elevator operators by ministry staff, other than the chief inspector and his assistant, we do not foresee adding any more inspectors at this time. With this additional process, we think he will be in a

position, as he has been for a number of years, to be able to exercise his authority properly. I believe we went over this a year ago. The ultimate policing for the ministry would be to have an inspector on every premise, just as we have a federal meat inspector at every—

**Mr. Riddell:** That is not necessary.

**Hon. Mr. Timbrell:** That is the only way we could have staff to meet the ultimate objective we are talking about. Through Mr. Taylor and his assistant, and aided by Mr. Bath and his staff who will review the financial position of each of the applicants, it will afford effective coverage.

The cattle dealers' question was discussed at public accounts on March 7 in my absence, and I believe we also discussed it at my estimates last fall. When we began the plan, we estimated—and it was only an estimate because there is no provincial association of cattle drovers and there is no provincial association of country dealers. We estimated there were as many as 1,000 or 1,200 cattle dealers in the province. We knew how many community sales and how many slaughter houses there were, large and small. We knew of organizations such as Olex, the Ontario Livestock Exchange, but we were only guessing. I believe the total number of licences issued at this time is around 500.

**Mr. Riddell:** Out of how many? How many dealers?

**Hon. Mr. Timbrell:** Nobody knows—

**Mr. Riddell:** Yes, but more than 500.

**Hon. Mr. Timbrell:** As I told the member, when we started, the estimate was 1,000 or 1,200. We have 500. We have a number of hearings under way looking into individuals who are alleged to be dealing without licences. We have launched prosecutions and we have won all but one of the prosecutions. There have been about 14 so far.

I want to come back to the point that the individual producer is very much the policeman, the front-line defence. When we get complaints about people dealing without licences, we investigate through Mr. Grout and his investigatory staff. When there is substance to the complaint, we lay a charge and we pursue it very vigorously. Where there is no substance, obviously that is where the matter is left. We would certainly do the same here. Off the top of my head, I cannot give an estimate of the cost. I would certainly be glad to get that for the member for Welland-Thorold (Mr. Swart).

**Mr. Swart:** What about the timing of the regulations clause?

**Hon. Mr. Timbrell:** I indicated I am taking the regulations for the Grain Elevator Storage Act to cabinet next week. The work is under way now with the producer organizations. We want to do everything possible to get protection funds and plans in place for the 1984 crop—by October 1, let us say. I am sure the producer organizations, the grain and feed dealer associations, to the extent they are involved, will be just as anxious as we are to complete that in a timely fashion.

Motion agreed to.

Bill ordered for third reading.

House in committee of the whole.

#### WORKERS' COMPENSATION AMENDMENT ACT (concluded)

The committee divided on Mr. Lupusella's amendment to subsection 36(1) of the act as set out in subsection 2(1) of the bill, which was negated on the following vote:

Ayes 36; nays 55.

Section 1 agreed to.

Section 2 agreed to.

The committee divided on Mr. Lupusella's amendment to subsection 43(8) of the act as set out in section 3 of the bill, which was negated on the same vote.

Section 3 agreed to.

The committee divided on Mr. Lupusella's amendment to subclauses 44(a)(i) and 44(b)(i) of the act as set out in subsection 4(1) of the bill, which was negated on the same vote.

Section 4 agreed to.

The committee divided on Mr. Lupusella's amendment to subsection 45(1) of the act as set out in subsection 5(1) of the bill, which was negated on the same vote.

Section 5 agreed to.

The committee divided on Mr. Lupusella's amendment to clause 52(3)(b) of the act as set out in clause 6(1)(b) of the bill, which was negated on the same vote.

Section 6 agreed to.

On motion by Hon. Mr. Wells, the committee of the whole House reported one bill without amendment.

**Hon. Mr. Wells:** Mr. Speaker, I wonder if I could have the consent of the House to move one motion.

Agreed to.

## MOTION

### ORDERING OF BILL 62

Hon. Mr. Wells moved that order 1 for third reading of Bill 62, An Act to amend the Employment Standards Act, be rescinded and that the bill be referred back to the committee of the whole House.

Motion agreed to.

10:40 p.m.

### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Perhaps I could indicate the order of business for tomorrow. After routine proceedings we will deal with third readings in Orders and Notices; any private bills in Orders and Notices; Bills 84 and 85, second reading and committee of the whole House; Bill 62, committee of the whole House; and Bill 142, committee of the whole House.

### ACTIVITIES OF POLICE

**Mr. Renwick:** Mr. Speaker, I gave notice today under the standing orders that I was dissatisfied with the response of the Solicitor General (Mr. G. W. Taylor) to the question I had placed with him with respect to William Franklin Baker. Perhaps I should wait until everyone has left.

**Mr. McClellan:** Stop the clock.

**Mr. Speaker:** Would you hold the clock there?

**Mr. McClellan:** Does the Solicitor General want to hear?

**Mr. Speaker:** Order. We are waiting, the member for Niagara Falls.

**Mr. Kerrio:** What are you trying to do?

**Mr. Speaker:** We are trying to get your attention so we can hear the member for Riverdale.

**Mr. Renwick:** In expressing dissatisfaction with the response of the Solicitor General to my questions relating to the matter of William Franklin Baker, I want to refresh the Solicitor General's memory about the facts of the case.

Mr. Louis Dunphie was murdered in front of the Moose Head Tavern in Hamilton on December 30, 1983. On January 2, 1984, William Franklin Baker was arrested and was held without bail from then until April 24. On that date in a brief appearance in court, on the motion of the agent of the Attorney General (Mr. McMurtry), Ms. Anne Watson, and a brief statement that the veracity of the confession was



in question, the charges were withdrawn and Mr. Baker was released.

He was 17 years of age when he was arrested. He was 18 years of age when he was released.

There was a preliminary inquiry of some length in this matter in March 1984. He was committed for trial by provincial court Judge Anton Zuraw.

The circumstances of his arrest, his detention, the question of the confession, the laconic comment of the crown attorney in the court, the circumstances disclosed in the press, all lead me to believe the Solicitor General has shown no sense of concern or urgency about this matter.

I asked in the assembly, and others have asked, that there be a public inquiry either by the Ontario Police Commission under the Police Act or under the Public Inquiries Act.

The Solicitor General will recall that one of the circumstances was that Donald Baker, the father of William Franklin Baker, at his own expense—estimated to be in the neighbourhood of some \$5,000—retained one Kenneth Mitchell, a private investigator, to investigate the circumstances and to follow up the leads that ultimately led, if the inferences can be drawn, to the conclusion that the boy was not guilty of the offence for which he had been charged and that the confession had been extracted from him in ways that would lead one to believe that an investigation is essential.

There are certain fundamental principles. Under the Charter of Rights and Freedoms one is not to be deprived of his life or liberty or to be detained in any way except in accordance with the principles of fundamental justice.

I want to know and I think the public and this House are entitled to know what took place from the time that boy was arrested until the time he was a free man on April 24, a period of almost four months when he was totally deprived of his liberty, when there had been a lengthy preliminary inquiry and when the father had been put to immense expense in connection with the investigation to try to produce the kind of evidence which would prove, as the event turned out to be, that his son was not guilty of the offence for which he was charged.

There has been no initiative, either by the Solicitor General or the Attorney General. The Solicitor General has had a passive role throughout the whole of this activity. His sole response has been that he is going to wait until the police report comes in. The police report, as I understand it, was requested by the Hamilton police. He has not done anything to show the sense of urgency and concern with respect to the

integrity of the administration of justice in this province, bearing in mind that if one in this province is black, male and adolescent one has the likelihood of serious problems in certain areas of the province with the police.

I think the public and the family are entitled to know exactly what took place. I think the father of that boy is entitled to be reimbursed. I demand, as I have tried to emphasize, a public inquiry into this matter right from the inception of the arrest of that boy until he was released from the court, so the public will be aware of exactly what took place.

**Hon. G. W. Taylor:** Mr. Speaker, I accept the comments made by the member. I accept the knowledge of his concern on this particular matter. From my knowledge of him, I believe him to be a man who respects and knows the law. I, too, have that knowledge. I also have that respect for the law and I also have that respect for those people that are involved in our judicial or procedural system.

However, as I indicated to the member this afternoon, when this matter was brought to our attention, an investigation was immediately commenced, through the services of the Ministry of the Solicitor General and the Ontario Provincial Police, into the activities of the individual police officers in this matter. We have commenced that investigation. I have not received a report of that investigation. I know the member has desired an alternate route, but at this particular time I am not willing to move to that alternate route of inquiry until I have the information from those individual police officers who did the investigation.

I know some investigations do not move at the speed some members would desire in here, nor do they move at the speed the media would have us move for their purposes. However, as much as the member would desire the speed and as much as I would desire to see them move more quickly, we all know that in respect for that judicial system and in respect for an investigation that we want to be done properly sometimes speed is not the criterion that is uppermost in those investigations.

Although I challenge the member's one statement, I know it has gone on a long time. I also know there was the incarceration, there was the end product of the incarceration and the charges were withdrawn. Again, I will not accept his comment that the judicial system, through the police or otherwise—I use the whole justice system when I include the police—in any way look upon an individual who happens to have a

different pigmentation, who happens to be a different age or happens to be of a different sex in any different manner than they do anybody else. There is no question of sex, pigmentation or age.

They do not look at those. I say that with all due regard to what the member has said. I think they all face our judicial system in the same way. Indeed, if it were not so, I am sure we would hear from them more often and people on this side of the House, the government benches, would

revolt in the same way as the member has expressed his concern about it.

I acknowledge the comments. I will try to get a status report as quickly as I can, if it is not yet completed, in consultation with the Attorney General on the direction in which we are going to go. I am sure the investigating officers have been consulting all along with the crown law officers on the direction and route to go. When we have that information, I will be glad to share it with this Legislature.

The House adjourned at 10:49 p.m.



## CONTENTS

Thursday, June 21, 1984

### Second readings

<b>Land Registration Reform Act</b> , Bill 66, Mr. Elgie, Mr. Swart, Mr. Williams, Mr. Martel, agreed to .....	2741
<b>Farm Products Payments Amendment Act</b> , Bill 104, Mr. Timbrell, Mr. Riddell, Mr. Swart, Mr. McGuigan, agreed to .....	2747
<b>Farm Products Grades and Sales Amendment Act</b> , Bill 105, Mr. Timbrell, Mr. Riddell, Mr. Swart, Mr. McGuigan, agreed to .....	2758

### Committee of the whole House

<b>Land Registration Reform Act</b> , Bill 66, Mr. Elgie, Mr. Williams, Mr. Martel, Mr. Boudria, reported .....	2747
<b>Workers' Compensation Amendment Act</b> , Bill 99, Mr. Ramsay, reported .....	2760

### Motion

<b>Ordering of Bill 62</b> , Mr. Wells, agreed to .....	2760
---	------

### Adjournment debate

<b>Activities of police</b> , Mr. Renwick, Mr. G. W. Taylor .....	2760
---	------

### Other business

<b>Business of the House</b> , Mr. Wells .....	2760
<b>Adjournment</b> .....	2762

## SPEAKERS IN THIS ISSUE

Boudria, D. (Prescott-Russell L)  
 Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
 Cureatz, S. L., (Durham East PC)  
 Gillies, P. A., Acting Speaker (Brantford PC)  
 Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
 Kerrio, V. G. (Niagara Falls L)  
 Lane, J. G. (Algoma-Manitoulin PC)  
 Martel, E. W. (Sudbury East NDP)  
 McClellan, R. A. (Bellwoods NDP)  
 McGuigan, J. F. (Kent-Elgin L)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Renwick, J. A. (Riverdale NDP)  
 Riddell, J. K. (Huron-Middlesex L)  
 Roy, A. J. (Ottawa East L)  
 Ruston, R. F. (Essex North L)  
 Swart, M. L. (Welland-Thorold NDP)  
 Taylor, Hon. G. W., Solicitor General (Simcoe Centre PC)  
 Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
 Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
 Williams, J. R. (Oriole PC)













No. 79

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**  
Friday, June 22, 1984

Speaker: Honourable John M. Turner  
Clerk: Roderick Lewis, QC

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## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Friday, June 22, 1984

The House met at 10 a.m.

Prayers.

## TABLING OF INFORMATION

**Mr. Speaker:** Yesterday the Leader of the Opposition (Mr. Peterson) requested that I ascertain what authority the Speaker has to require ministers of the crown to table information that they have undertaken to present to the House as well as reports of various commissions for the production of which there is no statutory requirement.

I can find no authority in the standing orders, precedents of the House or anywhere in parliamentary law that gives the Speaker any means of forcing ministers to honour these commitments. Similarly, with respect to answers to questions, oral or written, the Speaker can only call the attention of a minister to the standing orders. It is up to the minister in question to obey the standing orders, but again I can find no authority or precedents by which the Speaker can force the minister to reply, other than pointing out to him that he is in breach of the provision of the standing orders. This is particularly so in view of standing orders 27(i) and 81(d), which expressly provide that the minister may, if he wishes, decline to answer at all.

## MEMBERS' EXPENDITURES

**Mr. Speaker:** The Leader of the Opposition (Mr. Peterson) also made reference to the annual statement of members' expenses. I have endeavoured to find the authority or the requirement for tabling this statement of the members' expenses. At the moment the only reference we have turned up is on page 3769 of Hansard, July 8, 1975, which reads:

"Mr. Speaker: Before the orders of the day I beg to inform the House that as directed by the Board of Internal Economy, I have tabled the statement of the members' expenses for the fiscal year 1974-75."

The Leader of the Opposition suggested that the Speaker include in the statement the expenses that ministers incur as ministers. I know the House will realize that the Legislative Assembly accountant's office has only the record of the expenses of all members as members; it has no

record of ministers' expenses as ministers. These are matters within the ambit of the executive council and, as you all know, the Speaker has no authority whatever in that area.

## TABLING OF INFORMATION

**Mr. Peterson:** Mr. Speaker, on a point of privilege: I thank you for the advice you have brought to this House today, but in response to your statement, when you canvass the options and what has transpired in this House, particularly in the last session, you will be aware that our party asked 248 written questions. Of those, 171 came back saying the governing party would not answer the question and telling us, "Look elsewhere. Go to the library. We do not have the information," effectively stymieing any effective search for the real information and facts.

Of those 248 questions, complete answers were provided for only 35. We asked questions on consulting contracts—which automatically should be a matter of bookkeeping record—advertising costs, communications staff and other things one would assume any bookkeeping system would be on top of on a daily basis. We asked for information about polls. We were given the costs of those polls, but those polls have not been forthcoming. I assume it would take no more than some simple photocopying to share that information with members of the House.

Mr. Speaker, you can understand the frustration we on this side of the House feel in asking your help as we did to try to extract information from this government, secretive as it is. We in opposition have no other recourse than to ask you to exercise a warrant to extract this specific information. I will give you and the table notice that we will be filing a motion today for your warrant to extract the specific information that is available but the government chooses not to share.

**Mr. Allen:** Mr. Speaker, on a point of privilege: In the absence of the appropriate minister, I will address this question of privilege to you, sir.

It would be unfortunate to let the last days of this session pass without something appropriate being done to recognize the remarkable capacity

of the Minister of Colleges and Universities (Miss Stephenson) to keep the university system of Ontario in 10th place throughout her term as minister and in the basement of university finance in all categories.

I would like to send across to the minister this plaque with "10" suitably emblazoned on it.

**Mr. Speaker:** With all respect, I must point out that is not a matter of privilege, personal or otherwise.

#### MEMBERS' EXPENDITURES

**Mr. Conway:** Mr. Speaker, I do not have the judgement you just read on the second point. I just want to be clear in my mind that what you are saying in that ruling is that the annual sessional paper will continue to issue unchanged in any particular, as it has over the past 10 years.

**Mr. Speaker:** As I made the point yesterday, it is done at the direction of the Board of Internal Economy. Therefore, as I understand it, that board has the authority to deal with it as it may see fit. That was the suggestion I made yesterday.

**Mr. Conway:** I take it from this that you would be quite prepared to release any information in whatever form the board agreed to in that particular. If the board in its wisdom agrees to alter or add to the material regularly contained in that sessional paper—by "regularly," I mean the way in which the paper has been issued in the past 10 years—then you, as the Speaker, would have no difficulty releasing it in that altered form.

**Mr. Speaker:** No. Obviously I am the chairman of the board and I act at the direction of the board.

10:10 a.m.

#### TABLING OF INFORMATION

**Mr. Bradley:** Mr. Speaker, I rise on a point of privilege that arises from a question I asked the Minister of Citizenship and Culture (Ms. Fish) in the House on Wednesday, June 20. It was with regard to library grants across Ontario.

In her answer to me, the minister indicated she was under the impression the grants to various libraries had already been forthcoming. She said, "That point aside, it is my understanding that interim payments have gone out within the last two weeks, if I am not mistaken, to public library boards across the province."

I did not give any notice of the question to the minister, so I am not being critical of her not knowing the precise details, but I did read the

following in the St. Catharines Standard the next day:

"Bruce Timms, president of the St. Catharines PC Association, said today the library will receive 80 per cent of its \$266,630 grant in mid-July. 'The library would have normally received 50 per cent of the grant in May, but it was delayed because of uncertainty created before the release of the provincial budget,' said Mr. Timms.

"Library board representative Alderman Ken Atkinson complained at Monday night's council meeting that the city had to advance its \$2.3 million grant for the library more quickly than anticipated to ensure there is no shortfall in the library budget. 'While the city is losing interest on money it would normally have in the bank, the province is probably gaining interest,' Alderman Atkinson indicated."

We have two representatives from the city of St. Catharines, the other being the member for Brock (Mr. Welch), who I know has at least an equal interest—perhaps even more of an interest in some cases, but sometimes less, depending on the issue—in the city of St. Catharines and its wellbeing. Yet we have the president of the Progressive Conservative association providing information that was not provided by the minister in the House. I think that is probably doing a little circle around the member for Brock, who aptly likes to represent St. Catharines in the cabinet.

**Mr. Speaker:** Thank you. I must rule, of course, that is not a matter of privilege, interesting as it may be.

**Ms. Copps:** Mr. Speaker, to follow up on a issue I raised on two different occasions, there were answers to questions in Orders and Notices tabled in the House last night, but I still have not received even an interim answer on who paid Adrienne Clarkson for coming to Ontario to speak to the rural women of Ontario. I prevail upon you to enforce the standing orders and ensure that at the very least this government give us interim answers on questions that were asked more than 14 days ago.

**Mr. Speaker:** I must draw the honourable member's attention to the statement I made first thing in the House this morning. I can only repeat. I do not have the authority to force anybody to do that.

#### STATEMENT BY THE MINISTRY

#### ANNUAL REPORT, PUBLIC COMPLAINTS COMMISSIONER

**Hon. Mr. McMurtry:** Mr. Speaker, I am pleased to announce that I will be tabling the



second annual report prepared by Sidney Linden, QC, public complaints commissioner, evaluating the functioning of his office during calendar year 1983. The report is still at the printers, but it will be filed with the Clerk and made available to members of the House early this summer.

In my view, it is clear that this important project has been an outstanding success. It has brought about a great many improvements in the handling of public complaints of police misconduct.

Members who were present in this House throughout the 1970s will recall the almost constant controversy that surrounded this issue. Royal commissions and special investigations by such individuals as Arthur Maloney, Mr. Justice Morand, Walter Pitman and Cardinal Carter, among others, highlighted the controversial nature of the subject.

In contrast, the period of time since 1981 has been marked by an unprecedented level of public acceptance of the complaints process. Although improvements remain to be made, the dramatic change since 1981 is a powerful testament to the success of this project.

The success of the project has led to it being studied by a number of jurisdictions throughout the world, including the United States, Europe, Hong Kong, Bermuda, Jamaica, the Netherlands, Nigeria and Australia.

Lord Scarman, in his report on the Brixton disorders, stated, "The Toronto proposal appears to me to merit serious consideration as a possible model for reform of our procedure," referring, of course, to Britain.

Legislation modelled in part on the project has been implemented in jurisdictions as close as Manitoba and as far away as Western Australia.

A great deal of the credit for that success must go to Mr. Sidney Linden, QC, who designed the project and who has been its chief executive since its inception. Mr. Linden is in the Speaker's gallery at this moment.

Mr. Linden has brought to this most sensitive and difficult task a wide array of very special—indeed, unique—talents and skills. The people of this province and particularly the residents of Metropolitan Toronto, owe Mr. Linden a very substantial debt of gratitude for his selfless devotion to public service in an area as important, trying and as difficult as any I can think of.

I would also like to use this occasion to convey my appreciation to the retiring chairman of Metropolitan Toronto, Paul Godfrey, to the senior management and all members of the

Metropolitan Toronto Police Force for their strong support throughout the life of the project.

I want to remind members of the House, and particularly members of the standing committee on administration of justice, that Mr. Linden has invited interested members to visit his office, meet his staff and see for themselves the ways in which the office is achieving its success. Members may wish to take advantage of this invitation over the summer, since when the House resumes in the fall I will be introducing legislation to make the office a permanent institution.

Honourable members will recall that the office of the public complaints commissioner was established in December 1981 as a three-year pilot project. The purpose of the pilot was to improve the level of public satisfaction with the handling of complaints about police misconduct. The approach taken was to inject civilian oversight and monitoring at every stage of the complaint resolution process, culminating in public hearings before civilian panels empowered to discipline officers.

I am convinced that Mr. Linden's office has demonstrated a remarkable achievement in this exceptionally difficult area. I believe there can be no doubt about the need to make it an ongoing part of the administration of justice.

Mr. Paul Godfrey, chairman of the municipality of Metropolitan Toronto, has observed its operations both as Metro chairman and as a member of the Metropolitan Board of Commissioners of Police. He has indicated to me that he considers the office to be a most beneficial part of the police-public relationship and that he strongly supports its becoming a permanent institution.

In recent months, both the senior management of the Metro police force and the head of the police association have indicated their support for the continuation of the project.

I want to advise the House that the legislation I will be introducing will continue to apply only to Metropolitan Toronto. I think it is obvious that the Metro police face challenges which are unique in Ontario. No other community police force has a population of more than 2.5 million to safeguard; no other force works in an environment as racially and culturally diverse.

I am aware that my colleague the Solicitor General (Mr. G. W. Taylor) is in the course of a very extensive and important process of preparing revisions to the Police Act, including the matter of public complaints. Any consideration of extending the Metro project to other jurisdic-

tions which may wish to come under it should, in my view, await the completion of that process.

### TABLING OF INFORMATION

**Mr. Rae:** Mr. Speaker, on a point of privilege: The Minister of Education (Miss Stephenson) made a statement in the course of answering some questions on Tuesday, June 19, and I will simply quote it and ask you whether I have a point of privilege, because it is a matter that affects the minister's good faith.

She said very clearly: "I shall be pleased to make a statement to this House this week about that situation"—referring to the number of technical courses being dropped and the number of teachers being declared redundant—"and it will provide all of the facts that are available. I have not stonewalled anything."

What do we do now, Mr. Speaker? This week is this week. She has not kept the promise, very clearly. The wall is still there.

**Mr. Speaker:** I do not know what the problem is. The minister is not here, obviously. I am not sure she was here yesterday either.

**Hon. Mr. Eaton:** She is sick. That is why she is not here, and everybody knows that.

**Mr. Speaker:** All right. We do now.

**Mr. Foulds:** Does the Speaker not think the parliamentary assistant could have made a statement?

**Mr. Speaker:** Order.

10:20 a.m.

### ORAL QUESTIONS

#### YOUTH EMPLOYMENT

**Mr. Peterson:** Mr. Speaker, I have a question for the Treasurer, who I think is hiding under the gallery.

Interjections.

**Mr. Speaker:** Order.

**Mr. Peterson:** My question deals with youth unemployment programs that the Treasurer has recently rejigged and renamed. We note with some interest he is now advertising with a vengeance. He has invented a new way to rearrange young people in the form of a trillium, and through that mechanism he is advertising his Ontario Youth Hotline and asking people to phone the hotline for information.

Is the Treasurer aware that as late as yesterday, after the start of his advertising campaign—and, by the way, he will not share the advertising figures with anybody; those figures are available, according to his Treasury officials, but they are

waiting for clearance from him to tell us how much is being spent on advertising—the Ontario Youth Hotline people still had no idea what the programs are, still were not giving out any information and there is nothing happening with respect to his new programs?

Is the Treasurer aware that as late as yesterday his much-vaunted programs are still producing no new jobs for our young people?

**Hon. Mr. Grossman:** Mr. Speaker, he is wrong.

**Mr. Peterson:** The Treasurer is wrong consistently.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** He was wrong about the conversations with Tourism Ontario. Mr. Rolland Michener is too charitable to use the appropriate word for him—

**Mr. Speaker:** Question, please.

**Mr. Peterson:**—but the Treasurer was misinformed in this House when he said he had had meetings. He confirmed later that he had not had a meeting until at least a week later, after discussions in this House when he said he had had meetings. Is the Treasurer aware of that? Why is he consistently misinforming people in this House?

In addition to that, is the Treasurer aware—perhaps he is not—that the Ontario youth employment program, which he announced with new twists and features and said is now in place on June 7, is running exactly the same way this year as it did last year? He is the one who announced the new twists and features that are now in place and they are not.

Is he aware that on May 17, 1984, he promised youth employment counselling centres? He said he would be starting 67 new ones, and I will quote him, "Many of them will be up and running in months, some in weeks." It is five weeks since the budget and there are no new centres open.

The Ontario Youth Corps was supposed to be up and running this summer. According to the government's spokesperson, it should be on line some time in the fall.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** Why has he done nothing except advertise?

**Hon. Mr. Grossman:** I point out once again that the Leader of the Opposition (Mr. Peterson) is incorrect. I wrote down these words very carefully as he used them. He indicated that I was "consistently misinforming" members in the House. I suggest that is simply something he ought to withdraw, an accusation that I am



consistently misinforming members in this House.

**Mr. Speaker:** I very clearly also heard the words, and I would ask the Leader of the Opposition to withdraw his words.

**Mr. Peterson:** If the Treasurer wants to use that to evade the question, what is appropriate? "He gave incorrect facts"? "His facts are incorrect"? I would never use "Spoke with a forked tongue." "Inexactitude"?

The information he is giving this House is incorrect. I will withdraw whatever you find offensive, Mr. Speaker, the point having been made. But I want to know from the Treasurer why he is doing nothing except advertising. Why is he involved only in a program of self-aggrandizement at the expense of our young people?

**Hon. Mr. Grossmen:** Graceless as always. Letters are going out to all the municipalities in Ontario with regard to the Ontario Youth Corps. Those letters are on their way out this week—they were signed yesterday or this morning by my colleague and me—indicating that the followup will be done by the Minister of Municipal Affairs and Housing (Mr. Bennett).

Second, with regard to the youth employment counselling centres, I know that seriously, even in the member's most panicky moments in the days following the budget, when he was seeking something to criticize, he did not expect that youth employment counselling centres, which are major investments and for which much work has to be done with community groups, would be operational five weeks after the budget.

My colleague the Provincial Secretary for Social Development (Mr. Dean) has already had many requests for those centres. Those requests are being processed and we are well under way to finding and funding those additional youth employment counselling centres. We will be right on target in terms of the numbers we indicated in the budget, and some of them will be opened in the next few months.

**Mr. Foulds:** Mr. Speaker, I wonder if the Treasurer could tell us precisely how many jobs for the unemployed youth of this province have been created thus far, and how many he expects to have created by September 1 through his whole plethora of programs.

**Hon. Mr. Grossman:** Mr. Speaker, by that date, a minimum of more than 100,000 jobs.

**Mr. Foulds:** I do not believe the minister. He has more chutzpah—

**Mr. Speaker:** Order.

**Mr. Sweeney:** Mr. Speaker, the minister—  
Interjections.

**Mr. Speaker:** Order. You have asked your question, now it is up to the member for Kitchener-Wilmot.

**Mr. Sweeney:** Mr. Speaker, the minister just made reference to the funding of new youth employment counselling centres. May I draw specifically to his attention that in the city of Kitchener the Lutherwood Community Services youth employment counselling centre had been in operation for two years, the first year funded by the board of education and the second year funded by the federal government through one of its grants, and that counselling centre had to close down because there was no other source of funding.

It has recently reopened through funding from the Lutherwood board itself. It has a 50 per cent success rate with young people who have emotional and behavioural problems. The minister well knows these are the most difficult young people to place in the employment scene. Very specifically, can he give me any assurance, with regard to the Lutherwood centre in Kitchener which is the only one in a very large metropolitan area, that his program to fund youth employment counselling centres will assist in funding this youth employment counselling centre?

**Hon. Mr. Grossman:** Mr. Speaker, obviously I cannot speak about each of the prospective youth employment counselling centres, except to say the program has worked extremely well. I do not know why that particular one has not been one of the 33 already funded by our government since we took over the program in 1981, but I know my colleague the provincial secretary will be reviewing that one and the others very carefully.

I am delighted to receive the member's endorsement of that program. It is as successful as the member has indicated, and the increase from 33 to 100 will no doubt be able to cover his area, be it through that group or others. The experience of the government is that when we can deal through an existing infrastructure, an existing agency, that is always the preferred route to go rather than seeking to start up a new one.

Given that experience and the success going that route, that project should receive very careful and excellent consideration. My colleague will report back to the member on the specifics.



[Later]

**Mr. Laughren:** Mr. Speaker, on a point of privilege: I hope the Treasurer (Mr. Grossman) is listening to this. A couple of moments ago I phoned the Ontario youth employment office telephone number and asked them to send me an application form for employment purposes. I was told that they will not send out any more application forms, that the program is finito and there is no sense in anyone applying for it. I wonder whether you think the minister is being straightforward and honest with the chamber in response to questions.

**Mr. Speaker:** Order. The honourable member does not have a point of privilege, as he well knows.

**Mr. Peterson:** Mr. Speaker, I have a question for the Attorney General, in the absence of the Premier (Mr. Davis), with respect to the Campbell Grant inquiry and the Harold McNamara diaries. The Attorney General (Mr. McMurtry) has absented himself for some reason, but I assume he is coming back. With your permission, I will wait until he returns before I put my question.

#### MEDICAL TRANSPORTATION

**Mr. Rae:** Mr. Speaker, I have a question for the Deputy Premier in the absence of the Premier (Mr. Davis). It concerns the resolution, that was accepted by this Legislature and voted on by seven out of his 13 cabinet ministers who were present, in favour of the Ontario health insurance plan covering what is probably the most expensive and extensive user fee in all Ontario. That is, of course, the extraordinary amount of money northerners have to pay out of their own pockets for transportation.

10:30 a.m.

Given that it is the opinion of this House that OHIP should cover that kind of cost, and given that a majority of his cabinet colleagues supported that concept, why has the government delayed for as long as it has in implementing the basic opinion of this Legislature that northerners and others who have to pay high transportation costs should not be discriminated against? Why has it taken so long to implement the commitment of this House?

**Hon. Mr. Welch:** Mr. Speaker, since the Minister of Health is in his place, I think that question should be referred to him.

**Hon. Mr. Norton:** Mr. Speaker, that question has been raised in the House before and I have responded before. It is becoming a little repeti-

tious. I do not think the answer has changed. The member who raised the question is well aware that there is a difference between endorsing principle in a resolution and facing the pragmatic issues of implementing such a principle in the form of policy, with all the fiscal and other ramifications. Therefore, I will stand on the basis of my previous answer.

**Mr. Rae:** If the minister is not aware, I could give him reams of examples from all over the north. I would like to give him just one.

The Marriott family from New Liskeard has brought its daughter Joy to Toronto twice a year over the past 15 years for consultation with a heart specialist because of a congenital heart defect. Last month, she also needed surgery by a dental surgeon at the Hospital for Sick Children.

Despite limiting their costs by using modest motels at off-season rates, driving their own car and eating in the hospital cafeteria, the Marriotts paid more than \$150 in travel expenses just on that one trip, let alone all the other trips they have had to take over the past 15 years. What is the minister going to do for the Marriott family?

**Hon. Mr. Norton:** I would suggest that if the Marriott family, or any other family in circumstances similar to the ones the member described, is faced with financial hardship in paying \$150 in travel expenses for the treatment required by a member of the family, there are two possibilities.

They might wish to bring it to the attention of the board I have indicated before in answers to this House. They could then review the case and if there are indications of financial hardship that might present some barrier to access to the appropriate health care, it could be dealt with as a way of a decision by the board. The other alternative is to approach the Ministry of Community and Social Services for such assistance.

**Ms. Copps:** Mr. Speaker, access to health care in this province is not a welfare issue. I believe the minister should be aware that the Canadian Cancer Society was originally structured across Ontario for the purpose of research and public education. He will also be well aware that in Sault Ste. Marie, 55 per cent of the budget of the Sault Ste. Marie cancer society is spent on transportation costs to Toronto for people who need medical assistance. Likewise, 39 per cent of the budget of the Sudbury cancer society is spent transporting people to Toronto for treatment.

What answer can the minister give, for example, to the family of an 11-year-old Thunders Bay child who has to come to Toronto every three weeks for cancer treatments? Over the 1



two years, more than \$10,000 has been spent for transportation costs from Thunder Bay to Toronto. Does the minister think they should also be referring their case to welfare—more than \$10,000—to have access to cancer treatment?

**Hon. Mr. Norton:** Mr. Speaker, I think that rather scattergun question had two or three questions in it.

**Mr. Speaker:** Basically one.

**Hon. Mr. Norton:** I will try to find what the basic one was and respond to that.

The question is not one of welfare for transportation costs at all, for goodness sake. The matter is surely identifying whether a need exists in individual cases and trying to address that. The question of the provision of high quality health care is being handled very well in Ontario and access is something everyone has at present.

If the member is suggesting there are cases where that is not so by virtue of financial hardship, then I have suggested ways that might be addressed on a case-by-case basis, as opposed to committing yearly health care dollars in the magnitude of between \$50 million and \$75 million to providing transportation and accommodation.

At this point in our history, I do not think that is a responsible expenditure of health care dollars when people have, by and large, managed very well to pay their own transportation costs. If they are not able to continue to do that in some individual cases, then let us deal with those, but let us not commit huge expenditures of health care dollars that would be better spent on direct care to patients.

**Mr. Foulds:** Mr. Speaker, is the minister saying the people of northern Ontario should subject themselves to a means test in order to get equal access to health care as people in Toronto?

Second, does he not feel some responsibility as a minister, the resolution having been passed and the Deputy Premier having voted for that resolution, at least to bring it before his cabinet for consideration? Will he not do so?

**Hon. Mr. Norton:** Mr. Speaker, the answer to the first question is no and the answer to the—

**Mr. Foulds:** That is what the minister is saying.

**Hon. Mr. Norton:** No, that is not what I am saying.

**Mr. McClellan:** Go to social services.

**Mr. Rae:** That is what he is saying.

**Hon. Mr. Norton:** That could very well be a source of assistance if someone is facing

financial hardship. All I am suggesting is that in most cases that is not the situation. There is no point in introducing a universal plan to deal with a situation that is an individualized one.

The answer to the second part of the member's question is also no, because I think my colleagues are well aware of the resolution.

#### MEMBERS' EXPENDITURES

**Mr. Rae:** Mr. Speaker, I was hoping the Premier (Mr. Davis) would be here this morning and I was advised he was going to be, but he is not.

In his absence, I would like to ask a question of the Chairman, Management Board of Cabinet (Mr. McCague). It concerns the expenses of cabinet ministers and the comparisons we are supposed to make between those expenses and the expenses of the average member that were published earlier this week.

On December 12, in answer to a question from the member for Quinte (Mr. O'Neil), the Premier stated, "I will talk to the people who keep the books to see whether we can do it in some other fashion." Has the Premier discussed with the minister or any officials in his department the discrepancy between the accounts? Why do we continue to have inaccuracies in the comparisons contained in the statement released earlier in the week?

**Hon. Mr. McCague:** Mr. Speaker, I am not familiar with the complete text of what the Premier said and I would have liked to have had that. I think the Speaker answered the question himself this morning, however, when he said the report tabled in this House by the Speaker of the Legislative Assembly is one that includes the expenses of all of us as individual members.

As the member knows, the expenses of ministers are shown in the Public Accounts of Ontario and he is concerned that they are not incorporated in the Legislative Assembly report. I think it would be inappropriate to include them there. They are in the public accounts.

10:40 a.m.

**Mr. Rae:** I do not think it is an exaggeration to say that what the government is doing is fundamentally misleading. It is deceptive and it means information is being buried that cannot be truly compared.

I would like to give the minister some examples. I heard him say in his answer that it compares what each one of us spends in terms of legislative expenses. I do not want to single out any one minister particularly, but I would like to point out to the minister that, according to this



account, under the Office of the Assembly, members' legislative office expenses for the fiscal year 1983-84, the Minister of Transportation and Communications, the member for Oakville (Mr. Snow), spent \$54.06 on printing and stationery, \$16 on mailing expenses and \$11.49 on something called miscellaneous, for a total of \$81.55.

**Mr. Speaker:** Question, please.

**Mr. Rae:** This is the Minister of Transportation and Communications who spends a total of \$16 communicating with his constituents. I cannot believe that and I do not think the minister could seriously expect us to believe that.

All we are asking on this side is to have some way of comparing that. Is the minister saying we should go to the public accounts document? If we do, we find that in the Ministry of Transportation and Communications the total for transportation and communications was \$82,000, the total for services was \$162,900, and the total for supplies and equipment was \$55,200, which would mean a total in the minister's office, the main office of the ministry, of \$300,100. That is the only breakdown we can get.

Is that what the Chairman of Management Board is saying? Is he saying his colleague is spending \$300,000 or saying he is spending \$81.55? Which is it?

**Hon. Mr. McCague:** Mr. Speaker, I do not have the report of the public accounts in front of me. The member knows the format of those accounts and that it is the minister's office vote and item. It is in every set of estimates that come before this House.

I do not know why he does not spend more of his Legislative Assembly account money on transportation and stamps and so forth, but I do not think there is anything inappropriate.

**Mr. Nixon:** Mr. Speaker, the Chairman of Management Board will be aware that there can be misleading information based on these reports. He would be aware that the Minister of Municipal Affairs and Housing (Mr. Bennett), for example, in his constituency mailout compared the cost of private members with himself and with his cabinet colleagues for the area around Ottawa.

If that is going to be allowed to happen, then surely the Chairman of Management Board must take the same lead the chairman of the Board of Internal Economy has taken, and that is to get these figures together for his colleagues and report them to the House in the same way the chairman of the Board of Internal Economy has done. This way, once and for all, the cost for

individual members and the cabinet would be released to the public at the same time and the public can draw whatever conclusions it sees fit.

As long as there is this skewing of the figure then we are going to be treated to the kind of coverage in the press which I believe is unfair and misleading itself.

**Hon. Mr. McCague:** Mr. Speaker, the honourable member knows full well that he has an opportunity to ask these questions of the minister at the time of estimates. The minister's office expense is printed in there. I do not make the rules as to when the report we got two or three days ago is passed. I do not publish the public accounts; it is the Treasurer (Mr. Grossman) who does that.

**Mr. Rae:** Mr. Speaker, the Chairman of Management Board should know that last year the Premier said he agreed and that he would look into it. I am quoting the Premier, and it may take a little while to get the flavour of what he is trying to say because that is the way it was, but he said

"It is never my intent to embarrass members opposite or those in our own party—certainly not in the latter case—and never intentionally on matters of this nature. I might do so in terms of policy and inconsistencies on positions, but certainly not in an area such as this. I will take a look at it." He said that in December 1983.

In going through the public accounts, our figures show that members of the cabinet, if our list includes what we call the main office expenditures on transportation and communication services, supplies and equipment, spent a total of \$15 million. If the minister is going to stand up in his place and say that is an unfair figure to use and we are not comparing like with like, all I would say to him is that he should give us like with like. There is a \$15-million figure there that I think the government has to respond to in terms of a comparative figure.

If he wants to do justice to his openness with the public, it is time he came clean and said exactly what our ministers are spending in a way that is comparable with what other members are spending. We do not mind our lives being an open book. Why should their lives not be an open book as well?

**Hon. Mr. McCague:** All the member has to do is open the Public Accounts of Ontario.

#### TABLING OF INFORMATION

**Mr. Peterson:** Mr. Speaker, in the absence of the Premier (Mr. Davis), I have a question for the Attorney General. In trying as we are to extract the truth in information from this government, I



will no doubt be aware that seven years ago the Premier promised to make public the report he commissioned personally, or through his office, by Mr. Justice Campbell Grant into the McNamara diaries and the suggestions that emanated therefrom that there were some, shall I say, untoward connections with the government at that time. In response to the public pressure, the Premier made that solemn promise.

It has been raised in this House at least 10 times by my colleague the member for Riverdale (Mr. Renwick) and others as well. We were promised in April 1982 that the Premier would confer with the Attorney General and, hopefully, there would be an answer. I am asking him now, after all the time that has passed, is he prepared to make that report public and if not, why not?

**Hon. Mr. McMurtry:** Mr. Speaker, I think the Premier made it clear to the Legislature, to this House, that the report would not be tabled before the Supreme Court of Canada came down with its decision in relation to the appeals that are still pending in this matter. The Premier's position was taken on the advice of the senior law officers of my ministry.

The appeals were actually argued in February 1983, but we have not had a judgement from the Supreme Court, notwithstanding the fact that the appeals were obviously argued some time ago. I must concede that a delay that long is somewhat unusual, but that is a matter for the Supreme Court of Canada. As long as those matters are pending before the courts, the report will not be tabled. When the matters are no longer pending before the courts, the report will be tabled.

**Mr. Peterson:** The Attorney General must be aware that the nature of those appeals is not germane to the central issues. In reality, the people involved have been tried, have gone to jail and have now been released and are out and free.

Would he not agree with me that there is clearly the perception that he is hiding something by hiding behind this sub judice rule or whatever he is invoking to protect his own interests? Clearly, the perception that exists in the community is that there is something there that he and the Premier or the government is hiding and is not prepared to make public and that the pretext used is so thin as to be transparent.

As the chief law officer of the crown, would he not agree with me that the cause of justice in this province would be better served if he and the Premier honoured the commitment made seven years ago by letting that document become public now?

10:50 a.m.

**Hon. Mr. McMurtry:** With respect, I think the cause of justice in this province would be better served if the Leader of the Opposition would cease to make, in effect, unfounded and scurrilous attacks on senior public servants in this province because, as I said to him before, the Premier is acting on advice of the senior law officers in this province, none of whom has anything to hide, none of whom has any partisan political considerations whatsoever to concern himself about.

**Mr. Peterson:** Mr. Speaker, does the Attorney General not agree that his response is preposterous? How many times have we debated this? It is such a thin excuse. The issues before the court are ancillary at best. They have been described to him on many occasions. Is it the Attorney General who is giving the Premier advice? Is he prepared to take the blame for this coverup?

**Hon. Mr. McMurtry:** Mr. Speaker, again the Leader of the Opposition is making wild, unfounded allegations that really demonstrate no sense of responsibility at all. When it comes to preposterous statements, he is a master because he is making them every day.

#### JUSTICES OF THE PEACE

**Mr. Elston:** Mr. Speaker, I have a question for the Attorney General concerning the judgement of Mr. Justice Ewaschuk released on Tuesday concerning the justices of the peace in Ontario. Would the minister care to tell us here in this Legislative Assembly what he plans to do to alleviate the delays that are being caused by the uncertainties spawned by the judgement? Is he going to introduce legislation that will clear up the difficulties surrounding the interpretation of those items that were not addressed in the judgement of Mr. Justice Ewaschuk?

**Hon. Mr. McMurtry:** Mr. Speaker, I certainly regret very much the situation that has developed. I personally have some difficulty with the position that has been taken by a large number of the justices of the peace in this province with respect to the so-called uncertainty. I would just like to quote to the members from the last paragraph of the decision of Mr. Justice Ewaschuk, which states:

"I have purposely made no comment as to the new status and conditions of justices of the peace. Their judicial independence in relation to provincial prosecutions heard subsequent to May 1, 1984, must be determined in light of the Justices of the Peace Amendment Act, 1984. Its



effect on the judicial independence of justices of the peace in this province remains, therefore, for determination by some other judge on some future occasion."

This seems to be a pretty clear statement by Mr. Justice Ewaschuk. In so far as his judgement is concerned, given the fact that this legislation was passed after this matter was argued before Mr. Justice Ewaschuk back in October 1983, in my view it would be quite proper for the justices of the peace to continue to sit until some higher court had ruled that, subsequent to the passage of this legislation, there is some issue as to independence.

I regret very much that tens of thousands of people in this province have been seriously inconvenienced by the actions that have been taken. But it has happened and, as we have indicated, we are launching an appeal immediately in so far as Mr. Justice Ewaschuk's judgement is concerned. With respect to the refusal of justices of the peace to hear these matters, I have checked with my office within the last half hour and mandamus proceedings will be taken and, I hope, heard next week, which I hope will assist in clarifying this matter.

**Mr. Elston:** I think the Attorney General would also like to comment on the comments the learned justice made in his judgement with respect to section 5 of the amendment act that was passed in this House specifically suggesting he would like to have addressed further questions. It has also come to the Attorney General's attention that Mr. Manning, speaking to the press, had indicated as well his concern that section 5 might not stand up under further scrutiny.

Why would the Attorney General not use the opportunity now to eliminate once and for all the uncertainty and difficulties, rather than turning this issue into an adversarial situation, and bring in legislation that would clarify and prevent the delay and inconvenience about which he expressed so much concern?

**Hon. Mr. McMurtry:** There are a number of serious issues that will have to be addressed with respect to the justices of the peace system as a whole, quite apart from this particular issue. The most expeditious way to proceed in the public interest is to have the matter reviewed by a higher court as soon as possible.

**Mr. Renwick:** Mr. Speaker, since we did get in just under the wire prior to Mr. Justice Ewaschuk's judgement, with the piecemeal amendments we passed in May, is it possible for the Attorney General to give us a firm commit-

ment that when the session resumes in the fall, he will introduce a complete revision of the Justices of the Peace Act, based upon the policy decisions arising out of Mr. Mewett's report?

**Hon. Mr. McMurtry:** Mr. Speaker, there will be a complete revision before the end of this session. Obviously, the review of these matters by the higher courts may have some influence in the shaping of this legislation. I would concede this is a very high priority and I hope such legislation will be introduced soon after our return following the summer adjournment.

#### EMPLOYEE HEALTH AND SAFETY

**Mr. Wildman:** Mr. Speaker, I have a question of the Minister of Labour relating to carbon monoxide problems that are causing nausea, eye irritation and headaches at the Robert Hunt Corp. in London, a manufacturer of storm windows and doors.

Repeated tests by the ministry showed levels of carbon monoxide at that plant were about five times the accepted level. Those tests have been taken since this matter was first raised by Mr. Frank Stilson of the joint health and safety committee in that plant in November 1982. The ministry ordered the company to meet the accepted level in May 1983 because of inadequate ventilation. Can the minister explain why ventilation still has not been improved in that plant?

**Hon. Mr. Ramsay:** Mr. Speaker, I get at least 20 reports on my desk every day on various occupational health and safety matters across the province. I regret that one has not come to my attention. I will be happy to look into it, follow up on it and provide an answer to the honourable member.

**Mr. Wildman:** I appreciate the response of the minister.

When he is looking into that, would he also make himself aware of the fact that in January 1984, four days after Mr. Stilson and the joint committee complained, he was suspended for three days? In April 1984, nine days after Mr. Stilson wrote to the joint health and safety committee about worker complaints regarding carbon monoxide, he was again suspended, this time for five days. On June 1, 1984, Mr. Stilson was demoted with loss of pay a few weeks after he had complained to the ministry. Subsequently, he launched a complaint with the Ontario Labour Relations Board under section 24 of the Labour Relations Act.

As a defender of the so-called internal responsibility system, what is the minister's



prepared to do to ensure that the high levels of carbon monoxide in this plant are lowered to acceptable levels and that this company desist from reprisals and intimidation of workers who attempt to protect themselves under the act?

**Hon. Mr. Ramsay:** First of all, to answer the question directly, I will look into those other concerns as well. I was disappointed the honourable member referred to the internal responsibility system as the so-called internal responsibility system.

There is an editorial in the Toronto Star today headed "Worker Safety Pays Dividends." It says: "In 1981 the Algoma Steel Corp. Ltd. decided to work with the steelworkers' union on reducing the high number of accidents and deaths at its Sault Ste. Marie plant. A joint committee was set up to produce a safety manual and a report, to investigate and follow up on accidents. Since then, the accident rate has been cut by as much as half, and there hasn't been a death in two years."

There is a case of the internal responsibility system working, and it is right in the member's backyard.

11 a.m.

#### CUPE LABOUR DISPUTE

**Mr. Hennessy:** Mr. Speaker, I would like to ask a question of the Minister of Labour. Municipal services continue to be disrupted in the city of Thunder Bay. Contract talks to settle a week-old strike by Local 87 of the Canadian Union of Public Employees broke down on Tuesday. This strike has affected garbage collection, parks, cemeteries, public works and road maintenance in the city of Thunder Bay. Will the minister intervene to get management and the union back to the bargaining table as soon as possible?

**Hon. Mr. Ramsay:** Mr. Speaker, it is my understanding that the parties met in mediation on April 25 and again on June 6. Strike action began on June 14. Direct talks were held by the parties themselves on June 18, and a mediator from our office met with the parties on June 19. Regrettably, no settlement was reached at the time of that mediation attempt. The mediator is in constant contact with the two parties, and he will convene further meetings as soon as it appears that his involvement can lead to a resolution.

**Mr. Foulds:** Mr. Speaker, does the mediator report to the minister that management in this case has made an offer that amounts to one per cent? Does he think that is a fair offer for management to put on the bargaining table? Does he not think he should have some talks with his

colleagues about the limits they are giving to the municipalities to negotiate with their employees at the local level?

**Hon. Mr. Ramsay:** Mr. Speaker, I am aware of some of the details with respect to the mediation efforts. I am kept informed on what is going on. As the honourable member well knows, I have made it a policy not to comment on offers or rejections that have been made or turned down by the respective parties. That would be inappropriate on my part.

#### REAL ESTATE OFFICE CIOP

**Mr. Boudria:** Mr. Speaker, I have a question to the Minister of Consumer and Commercial Relations concerning the real estate scam of last year known as Real Estate Office CIOP Ltd.

The minister will remember that approximately 250 people in the Ottawa area had invested funds in that scheme. About 75 per cent of them have received at least some money back, and some of them have received all their money back, but at least 25 per cent of them have not yet received a cent.

Can the minister explain how it has come to pass that, according to an article in the Ottawa Citizen of last Saturday, a number of people who were given their money back will now have to return it to the receiver acting on behalf of the Ontario Securities Commission?

**Mr. Martel:** Is the Treasurer (Mr. Grossman) going out to check his telephone?

**Hon. Mr. Grossman:** I am just going to call the member's psychiatrist.

**Mr. Speaker:** Order.

**Mr. Rae:** The Treasurer is showing a lot of grace today.

**Mr. McClellan:** He has gone to run and hide. Interjections.

**Mr. Speaker:** Order; the minister.

**Hon. Mr. Elgie:** I hesitate to interject.

**Hon. Mr. Drea:** Are you a psychiatrist?

**Hon. Mr. Elgie:** I am not even a psychiatrist; so I do not pretend to have those skills.

Interjection.

**Hon. Mr. Elgie:** I know the member will not, but I have something I can do for the member that will help a lot.

**Hon. Mr. Walker:** Is it called a lobotomy?

Interjections.

**Hon. Mr. Elgie:** Why do we not have a trivia quiz today? Who needs what operation done?



**Mr. Speaker:** Now back to the question, please.

**Hon. Mr. Elgie:** Does the member want me to buy him a scalpel too?

Mr. Speaker, in response to the member's question, I am prepared to go into the lengthy details of the whole process, but I am sure he will agree that we have endeavoured to keep him pretty well informed of events, so I will not take up the time of the House to do that.

The member will recall when the Ontario Securities Commission in September 1983 intervened in the CIOP issue and made a determination, that it was then involved in a matter relating to that commission. Cease and desist orders were released, and the securities commission then carried out an extensive investigation which subsequently led to negotiations to return funds to approximately 75 per cent of people who had placed money with Mr. Tellier for investment in real estate he owned.

In the midst of that process the OSC was involved in, the member will also recall the Quebec Securities Commission and the Canada business corporations personnel under the Canada Business Corporations Act took steps to appoint a receiver. That ended the activities of the securities commission in its endeavours to facilitate the return of funds to those people who had placed money with Mr. Tellier.

I was not aware that there had been any request for any return of those funds that had been delivered to the 75 per cent. I will certainly make inquiries and get back to the member. I can only speculate, and it is pure speculation, that someone may be claiming that other individuals received a preferred position in relation to the disposition of properties. I have not confirmed that, and it is merely speculation on my part. I will be pleased, however, to look into the matter.

#### NIAGARA ESCARPMENT COMMISSION

**Mr. Swart:** Mr. Speaker, my question is to the Provincial Secretary for Resources Development. The minister will be aware that the hearing officers reported to his ministry more than 16 months ago on the Niagara Escarpment plan. It is now one year less a few days since the Niagara Escarpment Commission itself submitted to his ministry the final draft plan on the escarpment.

Does the minister not think that one year is more than sufficient to make his determination on the plan? Is he not just waiting until this House recesses or until a federal election is called to release the report, so there will be very little focus on his pro-development decision?

**Hon. Mr. Sterling:** Mr. Speaker, I agree that it has taken one year to review the decisions of both the hearing officers and the final plan of the Niagara Escarpment Commission, as I am charged to do under the act. I suspect I will be making some announcement in regard to that within the next two months. If the members prefer me to wait longer, I will; but the problem is with producing the plan. It requires a fair bit of preparation because of the maps that have to be produced. The presentation is most important to make sure our plans are clear when they are brought out. This does cover an area some 400 miles in length, including more than 40 municipalities, as the honourable member well knows.

11:10 a.m.

**Mr. Swart:** The minister has just confirmed that he is going to release it during the summer when there will be very little focus on it. Can the minister recall that he indicated last year he felt his decision should be a compromise between the two reports, the report of the commission and the report of the hearing officers? That would mean the slopes of the Beaver Valley would be designated for development by Epping Commons and other developers.

I wonder whether the minister now has had a chance to review the Niagara Escarpment Planning and Development Act fully and to come to the realization that such a development in the Beaver Valley and other proposed developments on the escarpment are contrary to clause 8(e) of the Niagara Escarpment Planning and Development Act which says the act is "to ensure that all new development is compatible with the purpose of this act as expressed in section 2."

Section 2 of the act says, "The purpose of this act is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment." Will the minister tell this House he is going to live up to that purpose? Will he tell this House he is going to reject the proposed development in the Beaver Valley and otherwise preserve the Niagara Escarpment for future generations?

**Hon. Mr. Sterling:** I am well aware of the thrust and purpose of the act. In terms of whatever the plan will produce, I believe our government will uphold the purpose of the act as set out in section 2.

As the member well knows, I am required by law to state in a public forum exactly what my recommendations will be so that people will have an opportunity to respond within a 21-day period. I intend to live up to that mandate. I do



not intend to announce parts of the plan prior to its actual public announcement, because I do not think that would be fair and it would perhaps leave the process open to attack in the courts once I have completed part of the process.

#### UNITED CO-OPERATIVES OF ONTARIO

**Mr. Barlow:** Mr. Speaker, over the past two or three months a number of concerns have been raised with me about the United Co-operatives of Ontario and its financial concerns. I have relayed these to the Minister of Agriculture and Food from time to time. Can the minister give me some update on what is happening with UCO and its financial problems?

**Hon. Mr. Timbrell:** Mr. Speaker, a number of the members, most recently the member for Huron-Middlesex (Mr. Riddell) last evening, have approached me about this situation. Essentially, the matter stands as follows.

We have been talking with UCO for more than a year about its financial situation. It came to us in 1983 seeking some assistance from the provincial and federal governments. At that time, our position was that we were not prepared to consider any assistance without the benefit of an in-depth analysis of the company. This has been carried out at our request and at our expense by Price Waterhouse. Since then we have been discussing with it, the federal government and its principal creditors, one of the chartered banks and the Canadian Co-operative Credit Society, what needs to be done.

I have a couple of objectives in mind which I have imparted to all members and to members of the private sector who expressed concern about this. One is to attempt to achieve a more secure standing for the debenture holders and shareholders in UCO who are unsecured at present. Another is to attempt to do what we can to assure the continuity of 1,300 jobs in the UCO enterprises and network of sales and service centres around Ontario.

In all of this, I have made it clear to UCO, and my staff has reinforced this on a regular basis, that I am not prepared to put five cents of public money into the operation unless there is a reasonable, and agreed to, turnaround business plan for UCO. This will have to be totally committed to and supported by the board and the senior management of UCO as well as by an advisory group that we have insisted be formed. It will be made up of representatives of each of the provincial and federal governments, the bank in question and the Canadian Co-operative Credit Society.

**Mr. Riddell:** Mr. Speaker, will the minister assure the House that any assistance given to UCO would be justified on several social and economic levels and that the assistance the government does give UCO does not imply that the government of Ontario will turn its back on the hundreds of small competitors to UCO?

The minister is aware that it is the small competitors that are very concerned about the assistance forthcoming to UCO. They will have to continue to compete with UCO, their biggest competitor, yet in the past the government has rendered absolutely no assistance to them. Will the minister assure these small competitors that if the time ever comes, they will be granted assistance in a similar fashion to that in which the government is prepared to grant assistance to UCO?

**Hon. Mr. Timbrell:** Mr. Speaker, we are not about to set up a new branch of the ministry known as the co-operative assistance branch. In this particular case, given the number of sales and service centres, given the UCO network in the province and given that in parts of northern Ontario if it were not for UCO there would not be a number of local services, it is a unique, one-of-a-kind situation.

I told the honourable member as recently as last night, and by telephone six weeks or so ago when we spoke about it, that we must have a proper, sound business plan spelled out before we sign anything. We are not prepared to lend any money to this operation in the absence of a proper business plan which, as I said, must be agreed to by the board, must have the commitment of the board and the senior executive of UCO to implement and must be overseen by an advisory group which in my view must have the power of veto in the event anyone tried to stray from that business plan.

#### PSYCHIATRIC PATIENTS

**Ms. Copps:** Mr. Speaker, I have a question for the Minister of Health. Before I ask my question, however, I must say I am extremely pleased that he has come to his senses on the issue of the Mohawk Community Services Health Centre in the city of Burlington. Community-based programming is extremely important.

The minister no doubt will know that in Toronto the report of the Mayor's Action Task Force on Discharged Psychiatric Patients, which deals with the plight of 1,800 discharged patients—a group that was a priority with the previous minister—was completed in February, almost five months ago. The Premier (Mr.



Davis) promised in January that his ministers would offer full support to any of its recommendations. The minister himself met with the chairman of the committee, Dr. Reva Gerstein, on May 10.

Can the minister bring this House up to date on what financial commitment he has made to implement the recommendations that were unanimously proposed to this Legislature by the mayor's action task force and city council?

**Hon. Mr. Norton:** Mr. Speaker, if the honourable member has reviewed the report of the task force, she will be aware that a response to it from this government would involve more than just my ministry.

We have done two things. We have established an interministerial group to work on the development of a co-ordinated response to the report. The chairman of our interministerial group is also a member of the city of Toronto's implementation team; so there is a good liaison between the government working group and the city's implementation team on an ongoing basis.

The response we will be making, I trust in the relatively near future, will be one that will involve the several ministries represented on the task force.

**Ms. Copps:** The minister's predecessor declared in 1982 that one of his main priorities would be the situation of community-based services for ex-psychiatric patients. We are now at the end of the session that began in 1984 and we do not have any action on this.

I can understand that the minister is working with the Provincial Secretariat for Social Development and other ministries, but can he give this House a commitment that he will come up with a financial commitment to implement the task force recommendations at least within the next 30 days?

**Hon. Mr. Norton:** I do not know what the precise nature of our final response will be with respect to financial commitments or even which specific ministries may be involved. Obviously the Ministry of Municipal Affairs and Housing might be involved; it is represented in the group. I believe the Ministry of Community and Social Services is also involved, if I am not mistaken, as well as my own ministry.

But the point that I think is important for the member to bear in mind is that we do have the chairman of our own group working as a member of the implementation team in the city of Toronto; so they are well aware of what we are doing and we of where they are. We are working, if not hand in hand then in lockstep, in coming up

with an implementation plan. Certainly we will be co-operating with them, as we indicated from the very beginning we would.

**Mr. Speaker:** The time for oral questions has expired.

**11:20 a.m.**

## PETITION

### FACILITIES FOR LEARNING DISABLED

**Mr. Cassidy:** Mr. Speaker, I beg leave to present a petition to the parliament of Ontario as follows:

"We respectfully request that the Ontario government acknowledge the educational needs of learning disabled children by incorporating the right under law of independent institutions to meet their needs.

"While local school boards are increasingly providing facilities for the learning disabled, there yet remain significant numbers of children of average or above-average abilities who require attention of a nature and extent that school boards could not, and perhaps should not, be expected to provide.

"We request public support for such institutions so that the children who require specialized instruction in order to learn to read or write or concentrate can eventually take full advantage of standard educational facilities, take their rightful place in society and fulfil the roles of which they are capable."

This petition is signed by approximately 30 residents of my riding of Ottawa Centre.

## REPORT

### STANDING COMMITTEE ON RESOURCE DEVELOPMENT

Mr. Barlow from the standing committee on resources development reported the following resolution:

That supply in the following amounts and defray the expenses of the Ministry of Municipal Affairs and Housing be granted to Her Majesty for the fiscal year ending March 31, 1985:

Ministry administration program, \$18,247,000; community planning program, \$37,720,000; real estate program, \$18,689,000; community housing program, \$188,235,000; municipal affairs program, \$771,581,000.

## YOUTH EMPLOYMENT

**Mr. Laughren:** Mr. Speaker, on a point of privilege: I wonder if you could determine whether or not the Treasurer (Mr. Grossman) inadvertently or otherwise, misled the House



earlier this morning when he indicated to my colleague the member for Port Arthur (Mr. Foulds) the fact that his youth employment programs would create 100,000 jobs by September 1.

This is at the same time as I, representing a community with a very high unemployment rate, am told by the Ontario youth employment program hotline that there are no more applications to be sent out and the program is finished because it has used up its allotment.

Do you think it appropriate that a minister of the crown would imply in this chamber that the program is going to create that many jobs, while at the same time, in areas where those jobs are most needed, people are being given the back of the hand by the programs of that minister?

**Mr. Speaker:** I shall be pleased to look at Hansard and see what was said. However, I have no way of knowing what programs are in effect and what programs are not in effect.

**Mr. Laughren:** It is the Ontario youth employment program which the minister is—

**Mr. Speaker:** Yes, I know what you are referring to.

**Mr. Martel:** Mr. Speaker, could I speak to that point? On several occasions, I have telephoned to try to obtain the material pertaining to all of those programs. The minister comes in here and says the material is available and the program is in place. I have now been waiting for one whole month for documentation and material from his ministry with respect to every one of those programs. I have received nothing. He keeps coming in here and saying it is all available and that it is up to us.

Can you get to the bottom of what in God's name is going on? We certainly cannot. The minister implies we are misleading whenever we question him on this matter. I stated that he implied.

**Mr. Speaker:** I noticed that. Again, I think you are asking the Speaker to do something which is not within—

**Mr. Martel:** How are we supposed to do it? He gets up here and says it is there—

**Mr. Speaker:** No, I know what you are saying. It is a matter of record.

**Mr. Laughren:** Mr. Speaker, on a point of privilege: perhaps I can ask you this question then. I know you cannot answer questions, but perhaps you can make a ruling.

I feel my privileges as a member are being abused when my constituents and others see advertisements on television urging employers to

take advantage of this program. The employers telephone me because they are having problems with the number and the response when they dial that number. It seems to me that members in this assembly are having their privileges abused by the rather cavalier behaviour of the Treasurer.

**Mr. Speaker:** Thank you. I did tell the honourable member earlier I would consult Hansard and see exactly what was said, but I must make the point that I cannot be the judge of which programs are in effect and which are not.

**Mr. Foulds:** Mr. Speaker, one last word while you are looking at that. The Treasurer required the Leader of the Opposition (Mr. Peterson) to withdraw certain statements during the course of that exchange. Surely the Treasurer should be required to withdraw misleading information.

**Mr. Speaker:** I would like to speak to that because I did hear some comments going around. I did not rule that the language used was unparliamentary. I asked, at the request of a member, as I have done before with other members, that what was judged by that particular member to be a provocative statement be withdrawn.

## INTRODUCTION OF BILL

### DRAINAGE AMENDMENT ACT

Mr. Swart moved, seconded by Mr. Wildman, first reading of Bill 113, An Act to amend the Drainage Act.

Motion agreed to.

**Mr. Swart:** Mr. Speaker, this bill to amend the Drainage Act will expedite the construction of desirable municipal drains where there is serious question about the wisdom of the petitioned drain or the magnitude or affordability of the drain proposed. My amendments will make sure decisions are made by a more democratic process before large amounts of money are spent. It will also provide a far less costly method of clearing blockages of water courses than by always doing it by petitioned municipal drains.

Consultation will be required with farm and environmental organizations on all appointments to the Ontario Drainage Tribunal. Finally, the act will be revised to apply to unorganized territories in the north, which are now excluded, by the local services board or the Minister of Northern Affairs (Mr. Bernier) substituting for the local council.



## ORDERS OF THE DAY

### SOVIET DISSIDENTS

**Hon. Mr. Wells:** Mr. Speaker, I might indicate this motion was initiated by the member for York South (Mr. Rae) and discussed by all parties and accepted.

**Mr. Speaker:** Hon. Mr. Wells moved, seconded by Mr. Nixon and Mr. Rae, resolution 7:

That the government of Ontario express to the authorities in the Soviet Union, on behalf of the people of the province, its deep concern for the health and safety of Yuri Orlov and Anatoly Shcharansky, its complete opposition to the continued imprisonment of Drs. Orlov and Shcharansky, and its support for the International Campaign—Orlov and Shcharansky, which has been joined by Nobel laureates, scholars, scientists, organizations and individuals from around the world in its fight to free these two prisoners of conscience.

Motion agreed to.

11:30 a.m.

### THIRD READING

The following bill was given third reading on motion:

Bill 66, An Act respecting Conveyancing Documents and Procedures and Recording of Title to Real Property.

### ONTARIO LOAN ACT

Hon. Mr. Eaton moved, on behalf of Hon. Mr. Grossman, third reading of Bill 74, An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund.

**Mr. Bradley:** Mr. Speaker, I had an opportunity to speak briefly on the second reading of this bill. I had not anticipated speaking quite as long as I did, but I was cut off on several occasions when I attempted to read the statement of the Premier (Mr. Davis) that related to the financing of separate schools.

I am not going to attempt to read that into the record today, but there is another brief matter I wish to discuss, which deals with why this bill should not be read for the third time; I think that is what I am allowed to speak on. It is in regard to the funding that would have been raised for the purpose of providing money to libraries and how much funding would be needed for that.

Members will recall that I raised a question in the House on Wednesday, June 20, when I asked the Minister of Citizenship and Culture (Ms.

Fish) whether some large amount of money, in this case \$266,630, that was supposed to be coming to the city of St. Catharines would be forthcoming, because the city had to borrow money in order to provide it to the library. That money would normally have come to the library yet it was half a year and they had still not heard anything. Alderman Kenneth Atkinson had raised this both in his position as a member of the library board and as a member of St. Catharines city council.

At the same time I asked the minister whether she had contemplated making an announcement in the House about increasing the per capita grant for all libraries in the province in this particular year. The minister would not give an assurance she just said that if she were going to do it, of course, she would announce it in the House. Even that is questionable, but the fact is that the government is not going to increase it, and this means that as a result of the borrowing that is taking place, some of the money is not going to be going to municipalities across the province which require it very much for library services.

In the city of St. Catharines, for instance, as I recall the figures I used in my question, since 1974, when the province provided somewhere around 22 per cent of the cost of library services it is now down to 9.6 per cent or something in that neighbourhood. This means the local municipality then either has to spend considerably more money to be able to deal with this problem and has to raise those taxes locally—I think we recognize that property tax is the most regressive form of taxation—or has to cut potential library services through the cutting of its budget. That was the question I directed to the minister, and this, of course, is a matter of great concern to many people in our area.

Then, as I pointed out in my point of privilege this morning, instead of informing the member for Brock (Mr. Welch), who also represents St. Catharines and who I know has a great interest in this matter, or the member for St. Catharines and instead of the minister standing in the House to inform us, I have to open up the St. Catharines Standard to know that the local president of the St. Catharines Progressive Conservative Association has made some kind of announcement and provided some information that was not available, I do not think, to either the member for Brock or to me. I indicated on that occasion that I thought it was quite inappropriate for this person to do it.

I would even have no objection if the other member for St. Catharines—who is a member of



the cabinet, after all—indicated this in the House, or if the minister did so. I think it is inappropriate for the president of the Progressive Conservative Association to give an undertaking for the government that it is going to provide 80 per cent of the \$266,630 grant in mid-July. The library would normally have received 50 per cent of the grant in May, the point being that it would cover the cost of interest.

I am pleased to hear that news, but it would be more appropriate from the Treasurer (Mr. Grossman), the Minister of Citizenship and Culture, the Deputy Premier (Mr. Welch) or ministry officials had given me that information to provide to city council.

As to the borrowing in this bill, I wish to speak very strongly in favour of increasing the per capita grant for library purposes so the local municipality does not have to assume that cost. Those funds should be provided at an earlier date in the year so the borrowing does not have to take place. I think most members on both sides of the House would be in favour of that.

The second item I want to discuss under the borrowing in this bill relates to a matter that has been raised on many occasions in this House, the expenses of members and funds that would have to be raised through this bill for the expenses of members.

I will not be unduly repetitious on this matter. Many view this as somehow being expenses that go into the pockets of the members of the legislature. Looking at the headlines in the St. Catharines Standard, naturally I made the front page for once, as one does on occasions of this kind rather than when there are important items to be raised.

It says, "Average MPP Spent \$56,000." There is quite a good story on it. Actually, it is a Canadian Press story, but of course in bold black type it says, "Claiming the most in expenses locally is St. Catharines MPP Jim Bradley, who submitted \$58,669.23 in expenses. He was followed by Welland-Thorold MPP Mel Swart who claimed \$58,226.77. Ray Haggerty of Erie claimed \$55,232.78; Vince Kerrio of Niagara Falls, \$46,872.58, and Phil Andrewes of Lincoln \$45,541.99. Bob Welch, Brock MPP and Deputy Premier, had the lowest claim among the local members with \$39,081.44. However, as a cabinet minister, not all his expenses are listed in the report."

Relating it to this bill, there are things it really does not explain. I think it is unfair to all members of the Legislature who do not hold specific portfolios. Then we get telephone calls

at our constituency office asking, "What are you doing?" It is as though we are getting the money in our pockets. In my case, for instance, I am very low in personal expenditures, that is travel and accommodation.

I guess I could have an apartment here in Toronto. Instead, I work 18 hours a day and drive back in the middle of the night in my own car, falling asleep on the highway, stopping at truck stops or wherever to sleep five minutes so I can keep going. The thanks I get is the indication, such as that in the newspaper, that somehow I am spending money that goes into my pocket.

There are two things. I happen to come here often. I think my attendance in this House is quite good and I have a very large constituency of 84,000 people. Comparing that to those of the two cabinet ministers in my area, I think there are 51,000 in Brock and 50,000 in Lincoln. When a constituency newsletter goes out, it goes to more people, the printing costs are higher and the cost of postage is substantially higher.

In addition, because the government-recommended printers were late, I had to have three constituency newsletters put into one year as opposed to two. Of course, that pushes it up. In addition, in my constituency office I employ one person full-time and another person part-time and we simply cannot deal with the work that is there now with that number of staff. I have one legislative assistant here in Toronto.

I am not being critical of the ministers. I am critical of the procedures for reporting this. I look at the ministers. I go to various functions in the city and there is a representative, a special assistant of the minister, at one of those things. That does not show up on a minister's report that comes to this House. There are all kinds of staff here in Toronto in limousines. That is fine. It is the prerogative of a minister to have limousines, but that does not show up either.

**11:40 a.m.**

When parliamentary assistants are on business on behalf of the minister, their mileage is not racked up in that. The normal mileage they would have, and legitimately so, does not show. I am sure they must send some things out under the ministry letterhead. The parliamentary assistant to the Minister of Labour, who is in the House today—and I am not being critical of him—may want to send out something in that capacity. I am sure that does not show up against his name when the expenses come out.

What I am pointing out is this is grossly unfair in the way it is presented. That is when one makes the front page of one's local newspaper,



and people phone and say, "You must be a crook if you are taking that much money," and so on. It is most unfortunate because it does not truly reflect what is going on.

It also opens up the opportunity to look at some expenditures which some might question. I am not going to do that. I do not think it is appropriate for me to be involved in that kind of thing. There is a lot of sympathy, even on the other side, for the kind of reporting that goes on. It does concern me that a member is portrayed as being a high spender when he is providing services to his constituents as opposed to services to himself. Those are not shown in the same way. I can appreciate that a minister might have far more legitimate expenses. A minister is called upon to be in many different places for many different purposes, more than I would be.

Finally, on postage, the Minister of Education (Miss Stephenson) sends out many things. She might send out something to every director of education in the province and every chairman of every board of education. That goes out through ministry printing and under the auspices of the ministry postage. If I send the same thing as a critic for the Ministry of Education, it goes out under my name and is assigned and shown as an expense.

Mr. Speaker, I appreciate your allowing me to stray slightly on the third reading for this purpose, and you have been kind to do so. Once more, I make the plea for a fairer presentation of the expenditures of members when we allocate these funds that are borrowed. Most of these expenditures would be beyond question because they are a service to our constituents. I do not remember the federal people ever facing this, and they have more staff than we have and seem to be doing far more things than we do that would cost the taxpayers money. I do not recall that it is released with any great fanfare.

I appreciate the opportunity to speak briefly on third reading of this bill. I guess it will probably sail through with the government majority, but I wanted to let members in on a few of those items.

Motion agreed to.

### THIRD READINGS

(continued)

Bill 75, An Act to amend the Labour Relations Act;

Bill 88, An Act to amend the Financial Administration Act;

Bill 99, An Act to amend the Workers' Compensation Act;

Bill 104, An Act to amend the Farm Products Payments Act;

Bill 105, An Act to amend the Farm Products Grades and Sales Act.

### ONTARIO ASSOCIATION OF CERTIFIED ENGINEERING TECHNICIANS AND TECHNOLOGISTS ACT

Mr. Gillies moved, on behalf of Mr. Mitchell, second reading of Bill Pr22, An Act respecting the Ontario Association of Certified Engineering Technicians and Technologists.

Motion agreed to.

Third reading also agreed to on motion.

### EXECUTIVE COUNCIL AMENDMENT ACT

Hon. Mr. Wells moved second reading of Bill 84, An Act to amend the Executive Council Act.

Motion agreed to.

Bill ordered for third reading.

### LEGISLATIVE ASSEMBLY AMENDMENT ACT

Hon. Mr. Wells moved second reading of Bill 85, An Act to amend the Legislative Assembly Act.

**Hon. Mr. Wells:** Mr. Speaker, before we carry that, I might indicate we have to go into committee of the whole House on this. Because of an oversight, a section was missed and we will move it in committee of the whole.

**Mr. Nixon:** Mr. Speaker, my colleagues and I have considered this bill carefully and they have authorized me to say to the House we intend to support it. The recommendation for this increase comes from the Commission on Election Contributions and Expenses. We have been following its recommendations in the past and we are doing so again this year.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

### LEGISLATIVE ASSEMBLY AMENDMENT ACT

Consideration of Bill 85, An Act to amend the Legislative Assembly Act.

Sections 1 to 4, inclusive, agreed to.

On section 5:

**Mr. Chairman:** Hon. Mr. Wells moves that the bill be amended by adding thereto the following section:



"5a. Subsection 61(1) of the said act, as amended by the Statutes of Ontario, 1981, chapter 29, section 6, and 1983, chapter 50, section 7, is further amended by striking out the first, second, third and fourth lines in the amendment of 1981 and inserting in lieu thereof the following:

"(1) There shall be paid to each member of a committee of the assembly, other than the chairman thereof, an allowance for expenses of \$63 and to the chairman thereof an allowance for expenses of \$73; and"

**Hon. Mr. Wells:** Mr. Chairman, this implements the recommendations that apply to the rest of the bill, increasing the amount of expenses by five per cent for the committee and the committee chairman.

Section 5, as amended, agreed to.

Sections 6 to 8, inclusive, agreed to.

Bill, as amended, ordered to be reported.

11:50 a.m.

#### EMPLOYMENT STANDARDS AMENDMENT ACT

Consideration of Bill 62, An Act to amend the Employment Standards Act.

On section 1:

**Mr. Chairman:** Mr. Gillies moves that clause 40a(9)(b) of the act, as set out in subsection 1(2) of the bill, be struck out and the following substituted therefor:

"(b) to the employer where during the period of 12 months from the termination the employee advises the director in writing that the employee elects to retain the right to be recalled, and in such case the employee shall be deemed to have abandoned the right to severance pay; or

"(c) to the employee in any case other than a case mentioned in clause (a) or clause (b), and upon payment the employee shall be deemed to have abandoned the right to be recalled."

**Mr. Gillies:** The amendment I am proposing is designed to correct two anomalies in the bill that require minor changes. I understand it has been discussed with the opposition critics.

As honourable members know, the bill proposes to amend the severance pay provisions of the Employment Standards Act to enable an employee to elect either to be paid severance pay upon the termination of employment and forfeit any right of recall or to retain the right of recall and be paid severance pay if he or she is not recalled within a year of termination or such shorter period of time as may be provided under a collective agreement.

The first case the amendment addresses relates to a situation where an employee wishes to maintain the right to recall for more than 12 months, as again may be provided under the terms of the collective agreement. Clause (b) of the amendment enables an employee who has not received severance pay and who has not been recalled during the period of 12 months from the termination of employment to advise the director of the employment standards branch that he or she wishes to retain the right to be recalled. In such cases, the employee will be deemed to have abandoned the right to severance pay.

Clause (c) of the amendment makes it clear that unless the employee has been recalled or has advised the director of the employment standards branch that he or she wishes to retain the right to be recalled for more than 12 months after the termination of employment, the director shall pay the severance pay to the employee and the employee shall be deemed to have abandoned the right to recall.

We believe this amendment will result in a bill that is somewhat more coherent and complete. I hope members opposite will agree and give speedy passage to the bill.

**Mr. Mackenzie:** Mr. Chairman, the parliamentary assistant says "coherent and complete," which really is a bit of a joke. I think he also speaks of a couple of "anomalies." What we have here in a bill with only four sections is two straight errors. There must be some guilty consciences on that side of the House, because the errors in effect gave the benefit to some workers who might be involved in a plant closure and who had not elected to take the severance pay, but had elected to wait for their recall time right up to a year. It simply said they would not have to sign a waiver if they did collect.

That is the very argument I was making in this House, that the government should not have to take away a contractual right of workers to recall that may be a little bit better than the legislation. Lo and behold, when this bill was prepared—and I must confess, we did not catch it ourselves; that is the only thing I really feel a bit guilty about—we find the very arguments I have been making in this House are incorporated in the doggone bill.

I had some reservations then about letting this go through. I do so now only because there could be the protection of some money where it is paid into trust, there is interest on it and the possibility may exist down the road of a firm going belly up and the workers maybe losing that money. In fact, with the amendments now being moved in this House, the bill is exactly what we had agreed



to very reluctantly and with all the reservations we expressed in the debate on second reading of the bill in the House.

I just wonder if somebody did not have a bit of a guilty conscience and ended up drafting the bill that really took into account the very argument I had been making in this House. The government is not improving the bill. It had been improved slightly as it passed on second reading. It gave a little more protection or rights to workers, because they could still retain a certain percentage of their recall rights when they got their severance pay, if they waited for the year period.

The parliamentary assistant should not give us this nonsense about improving or making it tighter or a better bill. It is what the government had intended in the first place and we had agreed to that; so we will support it. I think it was a rather prophetic error, because I think in any event the government is going to have to come back and give these rights back to the workers not too far down the road.

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 to 4, inclusive, agreed to.

**Mr. Gillies:** Mr. Chairman, I want to thank the member for Hamilton East for his gracious support of the amendment. As all members know, and we fully agree, there was a drafting error in this particular section. The Employment Standards Act normally sets out a minimum standard, and we fully recognize that many bargaining units bargain protection above and beyond what is contained in the Employment Standards Act. It was certainly never the intention of Bill 62 to take away any rights the workers have bargained for, and we feel that this is a substantive improvement to the bill.

Bill, as amended, ordered to be reported.

#### BARRIE-VESPRE ANNEXATION ACT (continued)

Resuming the adjourned consideration of Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

**Mr. Breaugh:** Mr. Chairman, I want to continue with my brief introductory remarks on this bill because I think it is important that a number of things be understood. It is important this morning that the Legislature of Ontario make a conscientious decision on how it will proceed with this matter. I have been advocating at some length now that there is something dreadfully wrong with this particular legislative approach to this particular matter.

I have been advocating that the province would be very well served if it simply said: "Okay, we understand there is some need for the government to save face. We understand it would be unusual for it to pull the bill." I am not making an argument that the government should withdraw the legislation or that the minister should resign, whichever minister it might be, and we have some problem determining which of the ministers over there is actually proposing this bill.

As has been his practice throughout the entire debate on the bill, save for an introductory statement, the Minister of Municipal Affairs and Housing (Mr. Bennett) has been mysteriously absent from the process. Apparently, he was not interested in hearing what people who came before the committee had to say and, apparently, he is not interested in participating in this portion of the debate. He is not present, but simply away from it all.

It has widely been rumoured that the real minister for this bill is the Solicitor General (Mr. G. W. Taylor). It is certainly a very unusual move, but if one were to read the media comments about this bill, the only minister of the crown who has any visibility on it is the Solicitor General. It is highly unusual for the Solicitor General to promote a bill of this nature, which is clearly in the jurisdiction of another minister. I note this morning the absence of the Solicitor General from his place. He has been here fairly regularly through this particular portion of the debate, although he did not participate in the hearing section of the debate.

I want to get on the record how strongly I think it would serve everybody well if we just let this one sit here for a while. During the course of committee hearings, we tried to get some verification of what the parliamentary assistant has said on a number of occasions about there having been a lot of negotiating. In my recollection during all those committee hearings, in all of the debate that has taken place around this bill, though I have asked for it many times, nobody has ever laid before this Legislature a track record of negotiating.

The best I could find is some correspondence from Vespra township asking for some initiative on the part of the government to resolve this dispute by means of negotiation. It seems to me that is a fairly straightforward way to proceed. The only other piece of evidence I can mount is a letter from the Premier (Mr. Davis) back to Vespra township saying, "Certainly, we would be happy to negotiate." Unfortunately, the last



piece of correspondence I had from the Premier on the matter was from 1980.

### 12 noon

Those of us who have bargained for anything, whether it is a contract, such as my House leader does here about the order of business, know you do not negotiate or bargain by sending people letters. You have to sit down with them face to face and attempt to establish what your priorities are, and they try to get their priorities on the table. The negotiating process is not a matter of sending letters to one another. It is a matter of looking at one another, shaking down the priorities and coming to a consensus on the matter, if the parties can.

On the record, no effort of that kind has ever been made by the province. Off the record, it is alluded that several trips have been made. For example, in the course of debating the bill, when we went through the hearing section, it was pretty clear there. We were making the argument in committee at that stage that we wanted the financial aspects of this bill put together before the bill was finished. I think many of us understand that when you negotiate from a position of great weakness, you get clobbered. That is precisely what is happening to Vespra township here.

Whichever minister over there is in charge of this bill, and it is hard to find one from time to time, knows that by proceeding with a legislative solution to this long-standing problem, he puts Vespra township decidedly on the floor. He knows he is saying, first, the government will legislate the ultimate solution and then it will proceed by some means, not yet described to us all, to deal with all the financial implications. That is an absolutely absurd way to proceed, and we all know that.

We know right now that if the government just said, "We have pretty well completed the business of the Legislature for the spring session, we will go away over the summer and establish a timetable of meetings among the ministry, Vespra, Barrie and Simcoe county," if it were to adopt that stance, let a little cooling-off period occur and commit itself to negotiating a solution, that would give us what I am sure the Minister of Labour (Mr. Ramsay) would be happy to have. If we had a cooling-off period agreed to by everybody who is an interested party here, that would mean the services of mediation, arbitration or just straight negotiation would have a chance to work.

For the life of me, I cannot figure out why this government is so afraid of the little township of

Vespra. It makes no sense to me. There should be no fear in the Big Blue Machine over there of one little rural township. Is the government afraid it cannot cope with them? Is it afraid they will outsmart the government again? Is it afraid they will outnegotiate it again? Is it afraid their personnel, who are far fewer than those the government has at its disposal, are so good at putting the township's case that it cannot compete with them?

It seems to me that a very logical flow should occur here. We have taken this bill through a process that is normal for the legislative procedure here. It seems to me the government has an opportunity. It certainly implied it was going to threaten them with legislation. The government has got away with that aspect of it. It now seems to me to be a logical time to say: "Let us just hold it for a minute. Let us cool things down a little bit. Let us leave it alone for a month or so and then see if we can arrange a set of meetings whereby these negotiations can take place."

From my point of view, if the government came back here in the fall session and said: "Here is the financial package that has been negotiated; we know exactly what dollars are being allocated and to which of the players, and we know exactly who is picking up what financial responsibilities in all of this," I would have to look at that in an entirely different manner.

If Vespra township came to me and said: "We do not like the negotiated package, but it is a negotiated package and it addresses our concerns," I would look on that as I have at every other contract that has been put to me. I have never voted for a contract for my own salary where I thought it was everything I wanted. That is not the process. I understand the process better than that. I know that what I get is the best that is available. I would have to look at this bill in a totally different context.

I plead with the Legislature to give us an opportunity to do that. If the government came back six months from now and said, "They will not appear at the bargaining table," I would have to say, "You tried." But to my knowledge, in correspondence, Vespra has co-operated with the government. To my knowledge, when the Solicitor General held a meeting at Georgian College after we had gone through the hearing stage of the bill, Vespra township appeared. To my personal knowledge, the constant comments of the parliamentary assistant that they will not appear at the bargaining table are not quite according to the facts.



**Mr. Rotenberg:** They are totally according to the facts.

**Mr. Breagh:** Does the parliamentary assistant deny, for example, that Vespra township was at the meeting at Georgian College?

**Mr. Rotenberg:** That was the only meeting they came to.

**Mr. Breagh:** There is a failure to communicate of rather large proportions. I believe the parliamentary assistant was here during the debate on second reading. I believe he sat in the committee when I said there, and I said it again here in the Legislature on more than one occasion, that he should show me where he has negotiated and give me a list of places, dates, times and staff people who sat down with Vespra and tried to negotiate a solution to this. I gave him from December until June, six months, to try to put together that list and, as of this morning, the list has never appeared.

He persistently says, "We tried." He alleges he tried. I have no knowledge of that whatsoever. I have been asking for six months for a simple list of where he met, who was there and what were the results of the meetings. That has never happened.

**Mr. Rotenberg:** Would the member like me to get up and tell him?

**Mr. Breagh:** The parliamentary assistant has had six months to get up and tell me, and he has not done it yet. Frankly, I do not believe he is liable to get up and do anything more this morning except brag a little that he is the world's finest negotiator. In my personal opinion, and it is only that, he stinks as a negotiator.

**Mr. Rotenberg:** Mr. Chairman, on a point of order: I ask the member to withdraw that remark as being insulting and unparliamentary.

**Mr. Chairman:** I think the member for Oshawa (Mr. Breagh) will realize on reflection that could lead to abusive or insulting language. We have a rule of order that deals with that. Would the member withdraw that remark?

**Mr. Breagh:** Could I ask which remark I am asked to withdraw? "Stinks" or "negotiator"?

**Hon. Mr. Ashe:** All of them.

**Mr. Breagh:** If the member for Durham West (Mr. Ashe) would like me to withdraw them all, I would have to read them all back into the record to withdraw them. I would be happy to do that.

**Mr. Chairman:** With all due respect, you are asked to withdraw the remark that the member "stinks as a negotiator."

**Mr. Breagh:** Let me solve the problem. The member for Wilson Heights (Mr. Rotenberg) is easily offended, and apparently I have done that to him today. I certainly did not mean to offend him—I mean to appeal to his reason—so I would be happy to withdraw any implication that he is a lousy negotiator or anything of that nature. Is everybody happy now?

**Mr. Rotenberg:** The particular word "stinks" is unparliamentary and offensive, and I think that should be withdrawn.

**Mr. Chairman:** I clearly heard the member withdraw.

**Mr. Breagh:** I do not want to leave that searing remark on the record that he "stinks," so I would be happy to remove from the record any inference that the member for Wilson Heights stinks. Is that good enough?

**Mr. Chairman:** We are really testing the gods.

**Mr. Breagh:** I know.

There is a need for me to explain at some length why I feel so strongly about this bill and why there is a need for everybody to walk away from it for a little while. As to why I was first attracted to this bill, I admit I am given to looking for the underdog in a situation. I have a tendency to look out for the little person first and then to look around at the big people afterwards and try to figure out who is right and who is wrong.

**12:10 p.m.**

My inclination, and I admit it freely, is that whenever I see a dispute between a large group of folks and a small group of folks, I look to the small people first and say: "Hold it. What is going on here? There is a bit of a gang-up going on." When I first saw this piece of legislation, that was my instinct; I admit it flat out. It appeared to me that the government of Ontario, for reasons that escape me totally, was exercising once again its almost annual ritual. About once a year, the province picks on some little rural municipality that has been involved in some argument with another municipality for some time and decides to assert its power, its influence and its presence.

For the most part, the government of Ontario goes to all the Ontario Good Roads Association conventions, all the Ontario Medical Association conventions and all the Association of Municipalities of Ontario conventions and attempts to tell all these people who are involved in rural life in Ontario that it is the friend of those folks, that this Big Blue Machine represents their best interests and that the Tories have always built



them roads and bridges, even when they did not need them. They have always been friendly to them at conventions; they have always run good hospitality suites. The government spends a lot of time, money and effort to see that rural Ontario understands that the Tories in Ontario are rural Ontario.

I am from Napanee. I am not happy to admit, but I will, that in Napanee it is still the case that the political process revolves around one political party. When you win the Tory nomination in Prince Edward-Lennox, you have in effect won the riding. That is changing and evolving slowly, but it is the only place I know of where at a federal nominating convention, for example, they have fistfights because they know that this is the battle. The current provincial member for Prince Edward-Lennox (Mr. J. A. Taylor) knows what I am talking about because he was involved in some of those fistfights. They go around to each rural municipality where the Tories gather, and it is a big social and political event; it is what politics is all about: winning the nomination. Of course, after the nomination process is over, you simply have to wait out the election period.

We know that Prince Edward-Lennox has been Tory since Confederation and is likely to remain Tory. The member for Oxford (Mr. Treleaven) represents a similar kind of area, and he said after the last election that even a collie pup could get elected in Oxford. That was just the day after he had proved he was right.

**Mr. Chairman:** With due respect to the member, we do have to come back to the bill. This is all very interesting. We are living on borrowed time, I would suggest, if one looks back—

**Mr. McClellan:** What do you mean “borrowed time”?

**Mr. Ruston:** We all are.

**Mr. Chairman:** We all are; that is absolutely true. We have had all the discussion during the second reading debate. We know the member clearly said at the outset of his remarks, and again in other comments in this debate, that he was restricting himself to a few comments. It is with the consent of the House that we have been operating under that, and that goes back seven and a half hours as of 12 o'clock; so can we get back to the bill?

**Mr. Breagh:** Sure, I will be glad to. I just want to get a few more rationales out here, because I think the explanation is in order and is necessary.

When I looked at this bill, it appeared at first glance simply to be the annual crushing of a rural municipality, just to remind it that the government is its friend but, of course, the government is the government, the government does run Ontario; the government does have the power, when you displease it somehow, to eat you up and spit you out.

**Mr. McClellan:** It is like tearing the wings off a butterfly.

**Mr. Breagh:** Yes. You can go for a while through the justice system and it will allow you a couple of cracks at the Ontario Municipal Board. But if you start getting too uppity, this government will remind you that the Big Blue Machine rules the joint and that if you do not toe the line the legislation will be there; it will use its majority in the Legislature of Ontario to snuff you out. If you do not like the legislation, if you do not think the financial arrangements are fair, honest and above board, too bad, because the Legislature of Ontario has put out the verdict on you. The contract has been let, so to speak, and it will crush you.

This reminds everybody in municipal politics that this is where the machine really starts and stops; this is where the important stuff is done. Municipal people are welcome guests at conventions, they are welcome to attend the hospitality suites, they can pass little motions if they want, they can look after the potholes, fix up the sewer plants and see that people have water; but if they get too uppity or go astray of the chosen course as dictated by the powers that be at Queen's Park, they are going to get a bloody nose for sure and maybe worse if they do not look out. That is what this bill is about at one level.

I had a little conversation with the Premier (Mr. Davis) yesterday about another matter, and some of my remarks seemed to have caught his attention. He asked me: “Why are you pursuing this bill? There is no politics in it for you.” A number of my colleagues have asked, “Are you going to run in Vespra township?” I am not going to run; and if I did, I will bet that a lot of those people who like some of the things I have done in committee or agree with some of the things I have said in the House are not quite ready to vote for the New Democratic Party yet. I am not quite sure the socialist forces gathering in and around Barrie are really going to overwhelm. They might; they are getting close up there.

The Premier has a magnificent ability to be dead right and dead wrong on an issue at exactly the same time. On this issue he is dead right in one sense: there are no politics in this for me.



There are no votes in Vespra township that will elect me in Oshawa. That is true. I do not honestly believe—

**Mr. Treleaven:** There are probably not very many in Oshawa either.

**Mr. Breagh:** In Oshawa, only 50 to 55 per cent of the people usually vote for me; so the member is right. There are a lot of non-New Democrats in Oshawa.

**Hon. Mr. Ashe:** What about last time?

**Mr. Breagh:** Last time it slipped, yes; it was just under 50 per cent. I apologize that we did not run the best campaign we have ever run in our life there, but if one can win with only 49.5 per cent of the popular vote, what the heck.

**Mr. Chairman:** Order. Elections are always interesting, but we have this bill we are addressing clause by clause.

**Mr. Breagh:** In one sense the Premier is correct: the politics are not there for me. But in another very real sense much of what we talk about, two Ontarios and the powers that be and the establishment structure in Ontario, is reflected directly in this bill; it is an exact tracing of the power structure in Ontario.

On the surface, this bill looks to be simply a piece of legislation dealing with a boundary dispute. The more one gets involved in the bill itself, however, the more one questions who the players were leading to this legislation. This bill is about politics in Ontario. It is about people with great influence and power using a political system well and succeeding remarkably in ways no one else could.

I do not know of any other citizen in Ontario in recent history who has wished to build something—a garden shed, a house, a small plaza, let alone a \$20-million expansion of a shopping plaza—and had permission put forward directly by a missive sent by the Minister of Municipal Affairs and Housing.

There are now 70 areas in Ontario that have ministerial control orders on them, or so the minister said in estimates the other day, but I do not know of one other major shopping centre that got approval to proceed by means of the minister writing on a piece of paper that he would lift the ministerial order for a little shopping centre expansion of only \$20 million.

Cadillac Fairview got exactly that. It is represented by one of the more prominent law firms in the province, Goodman and Goodman, home of Fast Eddie Goodman, a very prominent member of our community in Metropolitan Toronto. He is a prominent political activist for

the Progressive Conservative Party. That law firm managed to do what not many other law firms could do. It certainly represented its clients very well.

The sequence of events is important here too. On a Monday night, the Barrie council met in an in camera session and decided to withdraw its objection to that shopping centre. On the Tuesday, the minister stood in his place and announced this legislation. On the Wednesday, he sent out this little piece of paper that gave Cadillac Fairview exactly what it wanted. That is not the normal way for the planning process to work in Ontario. It happens rarely, but it surely happened in this case.

I keep asking the question, what role did the law firm of Goodman and Goodman play in this sequence of events?

**12:20 p.m.**

Interjections.

**Mr. Chairman:** With all due respect to the member, how long might we be in our comments? We talked about whether we are in order or out of order and that we are operating under the approval of the House. Are we to understand this shopping plaza is in the township of Vespra or in Barrie?

**Mr. Mackenzie:** It is very much a part of the issue.

**Mr. Breagh:** That is right.

The process used to bring us this bill is one that has to be examined. I have asked that question in committee and no one answered. I have asked it in the estimates and no one answered. I have asked in the Legislature and no one answered. It seems like a relatively straightforward question. It is one a number of people have asked. But when I ask what role that law firm played in this sequence of developments, I got an answer that told me the city of Barrie had a fine lawyer. That is nice. I got an answer that this is about a boundary dispute, and that is nice, but no one will answer that question.

I was just asked how long I am going to talk. I am going to talk until I get an answer that responds to the question. We are playing a game here that I am free to ask any question I want and they are free to provide me with any answer they want, but no one here, in the committee room, in the Legislature or up in Simcoe county, wants to tell me what that role was.

The thing was brought to my attention some time ago when people asked, "Was it not a little more than coincidence that a very prominent Toronto law firm, heavily connected to the



Progressive Conservative Party, represented Cadillac Fairview?" I said, "Yes, but there is nothing wrong with that."

The sequence of events that caused this bill to be produced has a lot of loopholes in it. There are no good answers for a lot of these things. I intend to pursue that. I can pursue it in a number of ways and I am going to do it for a while this morning as well.

**Mr. Rotenberg:** If you want answers, let me get up and give them to you.

**Mr. Breagh:** I think the parliamentary assistant is yapping away over there. I am sorry, I withdraw the word "yapping," he is so easily offended. He is speaking from his seat as usual. The parliamentary assistant has had six months to answer the question. The minister has had six months to answer the question. Everybody has had lots of time to answer these questions.

I asked it earlier in committee. I have asked since December, and it is now June, for them to tell me about this negotiating process. Do not tell me the parliamentary assistant is good at it, do not tell me he is bad at it, do not tell me that he tried a few times. Just lay it out for me. It is a pretty straightforward question. Simply tell me exactly when the meeting took place, where it took place, who was there and what was transacted. In six months' time, not once has he even put a good fake on that.

**Mr. Rotenberg:** I never put fakes on anything and you know it. I am constrained. I have to tell the truth and that puts me at a disadvantage.

**Mr. Breagh:** I withdrew a couple of things a little earlier that I really do not think are unparliamentary, but in order to make this debate flow smoothly I withdrew them.

I intend to speak my piece on this and if there is something in the rule book that says I am not allowed to speak my piece, they can move a closure motion if they want. That is all legitimate. There are a number of municipalities sending letters to the government asking it not to move closure, but if that is the route it wants to go, that is the route it has got.

I am going to say what I want to say on this bill. The chair can harass me all it wants, or the government or anyone else. I can take a fair amount of harassment and the more I am harassed, the more you will instigate me. I am trying to get a bit of a smooth-flowing discussion under way about why I am in opposition to this bill. I have attempted through the course of the debate not to get rancorous, not to be nasty.

Like all other members, I have a list of barbecues, picnics, meetings and official open-

ings to go to. I would rather be there, but I am here because I think the bill is wrong and this government is wrong in pursuing it. If I am brought back in here next week, I ain't going to be in such a friendly mood.

**Mr. Chairman:** If I may, the chair is not going to get involved in any debate, but I would correct the member's comment. Fair debate is that the member has his criticism of the lack of response from the government. That is fine, but I can assure you the chair is not harassing you. I am simply reminding all of us about the rules under which we are supposed to be operating. We have been off them for some time. At some point my responsibilities will lead me to interpret whether we are in breach of those rules and if it is an abuse of the time of the committee.

**Mr. Breagh:** I appreciate that and I appreciate it is your job. I expect you to remember that the job of the Speaker of the Legislature or the chairman of a committee is to see that members are given an opportunity to debate. You are here to protect the members. I sometimes think it is a difficult job, particularly when, to state the obvious, you are a government member occupying a position of neutrality.

This morning you are here chairing a committee of the whole House session. A little later on you may be on the government side.

**Mr. Chairman:** No problem at all.

**Mr. Breagh:** I appreciate that is a difficult role to play and I appreciate the attempt at neutrality is made conscientiously on the part of all of the table officers. Quite frankly, I know it is not easy. I know the Speaker very often gets himself into conflicts. It simply cannot be avoided. The Speaker does not appear magically one day. He, or someone who chairs a committee in the Legislature, has been around here for a while and has been involved in some political fights over the years.

When a person assumes the role of Speaker or chairman of a committee, he is expected to perform in a slightly different way, and that is not easy to do. I appreciate you have a tough job and you are trying to do it. You will get no hassle from me on that.

**Mr. Chairman:** No complaint. Just going back to the debate, however long it is going to be.

**Mr. Breagh:** Right. It is going to be a while. I have some obligations to put on the record some things the government does not want to hear. I know it does not want to hear from 104 municipalities that think this bill is seriously wrong, not only in a mechanical way but also on



the central principle of the approach the government has taken. The 104 municipalities have said that, and they are folks this government ought to listen to, although it has not chosen to listen to them so far.

I want to remind them. I am going to reiterate that fact. They are going to listen to these people one way or another. I want to remind them there is kind of a second wave at work out there as well. A number of the same municipalities are saying:

"Not only do we think Bill 142 is flawed and the principle you are using here is a wrong one, but also we do not believe you should invoke closure on the debate. We think you may not like what is being said in the Legislature. We understand you may not enjoy that. We think you may take some recognition of the fact that the municipalities in Ontario are at odds with the government's position. But do not invoke closure on it. This is supposed to be a parliament of sorts. This is supposed to be a place where you sometimes do hear opposing points of view you really do not want to hear."

I have heard on occasion the Solicitor General, among others, saying: "The reason for the legislation is very simply that there has been a long argument here and an expensive argument here. We do not like that process, so we are going to bring it into the Legislature." I am afraid we are on the verge of saying there has been yet another long argument in the Legislature. I am sure at some time somebody will start saying, "and an expensive argument in the Legislature."

They do not like that either, so they are casting aside the judicial system and that process on the basis that it is long and expensive. I sense they are on the verge of casting aside the legislative system on the same basis, that it is awkward, inconvenient, expensive and they do not want to hear it. That leaves us with not much of a system to lean on, does it? If we are not allowed to use the court process and we are not allowed to use the parliamentary process, what process is left?

The cabinet probably would dispense with the Legislature as being an unnecessarily awkward and inconvenient vehicle for resolving its problems. The cabinet somehow would do what the Minister of Municipal Affairs and Housing has already done in one aspect of this matter; that is, it would simply rule by decree. They would sit around there on Wednesday mornings down the hall in the big padded room and they would decide in secret session what they want to do and then send out little notices.

They would not bother with the Legislature of Ontario. There is too much talk there, too much argument. It is awkward and they do not like that. They will just write out a little note saying, "Goodbye, Vespra township" and by some royal decree Vespra township will be gone. Well, that ain't the way it works, certainly not in my understanding of how it should work.

I was presented this week with a definition from Webster's Dictionary that I would like to put on the record. I think it hints at part of the problem. It is a definition of the word "Tory," which comes from a Gaelic word, "toiridhe," meaning "a hunter, applied to bog trotters and outlaws: (1) A name originally given to one of the numerous mosstroopers, who, during the civil wars of the 16th century, plundered people in the bogs of Ireland, being in arms nominally for the royal cause but really to afford a colourable pretext for their own lawless proceedings. (2) A political party name first used in England about 1679 and applied originally as an epithet of reproach."

**12:30 p.m.**

It seems to me Webster has caught the flavour of it all there. Being of Irish ancestry myself, I understand there is a lot of history rolled into this. For a lot of years the Irish in their humble surroundings and bogs have been bothered by folks who came around and harassed them, who took their pennies while the rich paid nothing.

It seems to me that up in Vespra township there is a little low-lying area and there may be people who would refer to it as a bog. That, in effect, is what is happening with this bill. This bill is about bog trotters; it is about people who are saying one thing nominally in the royal cause but who are there essentially to gather a little cash for themselves.

We know the history of the British Empire has little spots like this in it from time to time, that there were people who were pirates one day and privateers the next day, all because they flew the British flag and gave a portion of what they took to the royal treasury. We know this definition of what a Tory is may be a little closer to the mark than some people would like it to be. I think it has some relevance to the bill itself and to the approach taken by the government.

Very early in the arguments presented here I got a letter. It is hardly a private document; it went to the Canadian Press, the press gallery at Queen's Park. It asked some interesting questions and, to my knowledge, once again nobody has ever bothered to answer them. Let me read it. It is not very long.



"For several years Vespra township has been fighting off a land grab by Barrie. Bloodied but victorious, they have emerged from fierce battles at the Ontario Municipal Board, at the Supreme Court and up and down the corridors of power at Queen's Park only to be mugged in the alleys of cynicism. The general government committee is listening to the whole shameful story while considering a piece of legislation introduced by Claude Bennett which in effect hands over to Barrie what the city could not mooch in any public forum.

"Here is an angle that has not been discussed. Vespra gave permission to Cadillac Fairview to develop a regional shopping centre at the Georgian Mall. Barrie objected, bringing the project to a halt. Normally the minister of municipal affairs would forward the matter to the OMB. He did not. Cadillac Fairview and its lawyers, Goodman and Goodman, were stymied. Barrie would not budge.

"What went on behind the scenes can only be guessed at, but look at the coincidences of what came to centre stage when Bennett announced he would help Barrie in its lust for Vespra's highway strip assessments. Bennett made his statement on December 6. In a letter to the minister, dated December 6, Barrie and the council withdrew its objection to the expansion of the Georgian Mall. On December 8, the minister signed a memorandum of legal notations allowing the Cadillac Fairview expansion to proceed.

"Wouldn't a politically cynical person conclude that Barrie blackmailed Cadillac Fairview and the Eaton boys, who have a store planned for that mall, and Eddie Goodman and the minister, by opposing the expansion as long as Vespra refused to submit? Was there a deal?" It is signed by a gentleman by the name of Thomas Reid.

That is a really good question, and I am not the one who is asking it; it is somebody in the outside world asking for a little explanation of what is going on with this bill. We have not had the explanation. Forgive me; we have tried for six months in here and in committee to ask that simple, straightforward question. What is going on? Why would the government of Ontario use this legislative approach? Why would it set aside its own legislation about municipal boundary disputes and legislate this? Why would the government of Ontario by ministerial decree, of all things, allow something as major as a shopping centre to virtually double a \$20-million expansion?

We know the players; we have taken it that far. We know Eaton's is not exactly an impoverished group of folks. I understand Mr. Bronfman has moved into the Eaton's investment area now. We know we are talking about some heavyweight players here.

**Mr. Nixon:** Not the New Democratic Party.

**Mr. Breagh:** Not the NDP.

On the surface, this looks like something that would have an impact up in Barrie and Vespra township, but we also know that some of the heavy hitters do not frequent that area a whole lot. These heavy hitters are down on Bay Street. These people have a lot of muscle.

As I looked for explanations of what is going on here, I suppose it did cross my mind at one point that Cadillac Fairview itself, for example, is a company that has been in the news for quite a while now. It is rumoured to be in some financial difficulty; it is certainly involved in a lot of real estate transactions here in Toronto.

A very confusing set of events happened last year in Toronto, centring round the sale of apartment units by Cadillac Fairview. Perhaps what is happening here is that Cadillac Fairview needs some help from the government. The government usually responds generously to large entities such as that. It has responded to Chrysler and other auto makers. I was a little worried that perhaps Cadillac Fairview was in real trouble.

The Globe and Mail, always the paper of record in rushing out with more information than one can ever use, left on my doorstep this morning this Globe and Mail Report on Business 1000. It provides us with a little information about who is healthy and who is well in various fields of business endeavour. This is its estimation of whether Cadillac Fairview is in good shape.

That is important to this bill because it would appear to be central from many perspectives that this was all done to assist Cadillac Fairview, that this whole legislation is about Cadillac Fairview and its needs; that this legislation is not about Barrie, Vespra or anybody else, but is about Cadillac Fairview.

We know that before the legislation is passed Cadillac Fairview has what it needs. It was having a little problem expanding its mall and could not get the thing through the system. Barrie was blocking it. Now we know that before the legislation was passed, the ministerial order went out giving Cadillac Fairview permission to expand.

It got a pretty clear, perhaps not easily measured but measurable, chunk of money.



There is cash involved. This is not peanuts we are talking about. We are not talking about bogs in Vespra township. We are talking about a \$20-million expansion to a mall. We are talking about a substantial interest in the expansion of that mall on the part of the Eaton company. We are talking about the big kahunas. There is a lot of money floating around.

**Mr. Nixon:** Represented by Eddie Goodman, QC.

**Mr. Breagh:** That is right.

I want to put on the record the assessment in the *Globe and Mail* article about how healthy Cadillac Fairview really is, and whether it really needed to have the Minister of Municipal Affairs and Housing rush to help it out of this little jam-up in Vespra township. I think we should try to establish whether this is another bailout. Is this part of the government's corporate welfare system at work? Is this something that will be a boon to Canada's economy? I think it is important to establish that.

The article is written by Dianne Maley.

"A similar union is evident among the senior executives of Cadillac Fairview Corp. Ltd., where the recent change in management direction has been dramatic. As interest costs swelled and property prices collapsed, the company's major shareholder, Cemp Investments Ltd., decided it was time the Cadillac side of the company gave way to the more conservative Fairview side.

"Before it merged with Cadillac Development Corp. Ltd., a successful residential developer, Fairview Corp. of Canada Ltd. had been the staid and profitable real estate arm for Charles and Edgar Bronfman of Montreal. In 1981, following the resignation of Neil Wood, Bernard Ghert, a Fairview man, was appointed president. In 1982, former Fairview president Leo Kolber replaced Jack Daniels as chairman.

"He promptly put half the company's assets up for sale. Then, in a daring move, the company walked away from a \$21-million down payment it had made on a property in Manhattan rather than close the deal and lose even more. While the loss was painful, Mr. Ghert was philosophical in retrospect, 'How many companies can afford to walk away from \$21 million?' Today the company resembles the old Fairview. But its business is divided into operating arms, each of which would stand as a separate company. It is here that the entrepreneurs thrive, reined in gently when necessary by the president."

That is hardly a tale of woe. It is hardly a story of great sorrow. How is it that they can walk

away from a \$21-million investment in Manhattan and seem happy about it all? In Vespra township, where it had less money at stake, only a \$20-million picayune investment, that one had to happen.

**12:40 p.m.**

It is tough to figure this out. How come it can walk away from \$21 million in Manhattan, but in Vespra township a \$20-million expansion to a mall is so important that it needs to do something really unusual? It somehow gets the Minister of Municipal Affairs and Housing—and we do not know yet—to lift the ministerial order, send out a little piece of paper that has a \$20-million ramification to it and, in the process of doing that, stomp all over a rural township. I am sure the government does not take great joy and pleasure in stomping all over Vespra township, but it is doing so.

All 104 municipalities know what is happening. They know that if this government is allowed to stomp all over Vespra township, they are on the list. There is no question about it. Every little municipality, whether adjacent to a big city or a small town, knows that if this is the way things are done, if this is the precedent that is established, if it is the little guy who gets crushed when somebody on Bay Street needs something done, it had better red-flag that. They have to say to the Legislature: "Hold on there. Do not proceed quite so rapidly. Let us cool it out for a while. Let us sit down and talk about this. Let us negotiate some kind of settlement."

I thought the members might be interested to know that Cadillac Fairview is number 2 in the real estate business in Canada on this list from the *Globe and Mail*. It is trying harder. It is not number 1. First is Bramalea Ltd., bless its soul. It is at the top of the list. Cadillac Fairview is only in second place, but it is gaining.

**Mr. Nixon:** I think that is alphabetical order.

**Mr. Breagh:** No, it is gaining. I went through all this and I think I almost understand it. It seems to be doing quite well.

**Mr. Nixon:** Unicorp is ahead, I think.

**Mr. Breagh:** The honourable member is into all these major investment things, but I am not. It may be Unicorp. I would not know a Unicorp from a Chevrolet, to tell the truth.

I took from the text that this was fairly straightforward because it says, and I will just quote this last little bit: "At the top of the list are the pure income-property owners—Trizec, Cadillac Fairview, Olympia and York, and Campeau. Cadillac Fairview and Campeau joined this



preferred class only recently, having decided to shed their residential business. They put their losing assets up for sale, in the meantime dismissing them with the stroke of a pen to the 'discontinued' category; most have since been sold."

**Mr. Nixon:** Maybe you can tell us about how Cadillac Fairview shed its apartments. That will be good for a couple of minutes.

**Mr. Breagh:** I would be pleased to tell the member how Cadillac Fairview shed its apartments, but the problem is that this government says it has been investigating that little deal for 18 months now and still does not know exactly how all that happened.

**Mr. Nixon:** It never will.

**Mr. Breagh:** There seems to be some difficulty in ascertaining exactly how the Cadillac Fairview corporation did that, whether it was right for it to do it or whether it—

**Mr. Epp:** It makes the rules.

**Mr. Breagh:** Yes. It appears that every once in a while when the rules do not fit, one sets aside the rules. It appears it got the help it needed when a firm such as Cadillac Fairview said to the government of Ontario: "Wait a minute. We have a little problem here. We are not going to stand around letting a \$20-million investment sit idly by. We need some help."

The other little truth involved in this is Eaton's. Members may recall Eaton's has been in the news lately because, after a long time, it is finally beginning to get organized in the trade union sense. There are trade unions going into Eaton's stores. I know that for a long time Eaton's of Canada Ltd. has resisted the wonderfulness of the trade union movement for reasons that escape me and has been fairly active in promoting the idea its employees do not need a union. It has been in the news lately because a lot of its employees have said: "That may be the company's point of view, but it is not my point of view. I would sure like the protection of a trade union to represent me."

Quite frankly, I suspect the trade union movement will do for Eaton's what it has done for General Motors of Canada. I remember all the arguments in reading the history of my community of Oshawa. When the trade union movement began in Oshawa, General Motors said: "Wait a minute. You cannot have a union here. Of all the things you might do to us, that is the worst possible scenario. You cannot have a union in the General Motors plant in Oshawa."

The company got very serious about it all. I seem to recall, and I might have mentioned it previously, that the then temporary government of Ontario, wobbly crew that it was, decided to jump in on the side of General Motors in that dispute. It hauled out the troops and stacked them up outside the town. I am told it was only the mayor of the day who prevented the troops from arriving in Oshawa to keep out the unions. Since then the union is a part of General Motors of Canada and General Motors around the world, and General Motors seems to be doing okay.

**Mr. Nixon:** Is that what they call Drew's Dragoons?

**Mr. Breagh:** Drew's Dragoons, conceivably. There was another name applied to them as I recall it.

**The Acting Chairman (Mr. Robinson):** Perhaps we could address ourselves to the bill again.

**Mr. Breagh:** At any rate, the T. Eaton Co. Ltd. certainly has a stake in this mall. I have heard rumours—and they are no more than rumours because I do not hang around these corporate board rooms that much—that one of the things which caused this bill to happen now was that the T. Eaton Co., which was going to be a participant in the expansion of this mall, which was going to lease space in the expanded mall, was making grumbly little noises that if this thing did not get resolved shortly it was going to withdraw from that.

Those of us who have spent some time on municipal council know it is sometimes a little tenuous when a developer comes before a council and says, "I would like to build a big shopping mall." The logical question is, "That is nice, but who is going to occupy this big shopping mall"? It is a big selling point when a developer like Cadillac Fairview or anyone else comes before a committee of a council and says, "We are expanding a mall," such as the Georgian Mall in this instance. It is a big bonus when they can say, "The T. Eaton Co. is going to be putting a new store in this expanded mall."

The shopping malls around Ontario are rated. The class of the shopping mall is rated by how many of the big stores are in there. The Oshawa Centre has them all. It has the Bay, Robert Simpson Co. Ltd. and Eaton's, so it is a three-star mall. As one goes around Ontario, a mall that has one of them is a one-star mall.

This particular proposal in Vespra township was getting along there. The acquisition of an Eaton's store in a community like Vespra township is a status symbol, even though the mall



is a regional mall. During the course of the committee hearings, we had a fair amount of evidence presented to us that said: "This particular mall is not essentially attached to Barrie, not for commercial purposes anyway. It is essentially the regional shopping centre for the whole of Simcoe county and beyond. It does a lot of business during the summer months with tourists going through."

The players here are ones one should not mess with. These are the heavyweights. We are talking here about the Bronfmans, Eddie Goodman and the Eaton company. All of this stuff goes on down on Bay Street. These are the people who frequent places like Winston's and perhaps are taking over table 23 down there. One never knows. They are certainly in a position to do that. They have power. They participate in the political process actively and openly. More power to them. That is their legal right. I am just trying to convince other people that they ought to get a little active in that system themselves.

One of the major problems that has to be resolved is simply to get the roster straight. Who are these players? What role did each one of them play in all of this development? We do not know that. It would be nice if we could answer the allegations I read into the record a little while ago in that letter I received in the latter part of January, that somehow the law firm of Goodman and Goodman put together a deal which was the real basis for this legislation. It is hard to answer that allegation in a straightforward way. I do not know.

I keep asking all over the place, for more than six months now, what role the law firm of Goodman and Goodman played in (a), the approval of the mall; and (b), the formation of Bill 142. People choose not to answer. That is their right, just as it is my right in this Legislature to speak as long as I want on these brief introductory remarks. I am going to do that. For as long as I keep asking that one simple, straightforward question and people choose to give me an answer that is totally unrelated to the question, I am going to pursue this.

**12:50 p.m.**

Members will probably admit this more readily than I would, but I am a little pigheaded about some things. When I ask somebody a question, I expect a reasonable answer. I do not expect the person to tell me everything I want to hear. I do not expect him to tell me everything he knows, but it seems to me on this one central question, on the role of this law firm, on the role of this major development corporation, on the

role of the Eaton company itself, there are questions it is legitimate to ask, but no one chooses to answer.

You may admonish me, Mr. Chairman, that I am being a persistent cuss on this, but I want to lay it out that in all the ways I know how, in different committee rooms here, in committee rooms in Simcoe county, in the Legislature of Ontario during the course of the estimates of the Minister of Municipal Affairs and Housing, I have put the question in as many ways as I can conceive and on as many different occasions as I can conceive.

The last occasion was during the course of the latest round of estimates of the Minister of Municipal Affairs and Housing. When I asked a question about the role played by this law firm in securing what Cadillac Fairview and the Eaton company wanted, the minister chose to tell me that the city of Barrie had a very fine lawyer. I appreciate that. I am interested in that. I know that is important to him, but that is not the answer to the question. I am obviously going to have to ask the question a few more times in a few more places before I get that explanation. I have not had it yet.

I would like to put a couple of other things on the record this morning because I think these need to be straightened out as well.

This is a copy of a letter that was sent to Mr. Julian Tofts, the clerk administrator for the township of Vespra in Midhurst, Ontario. It is dated December 12, 1983. The subject is the application to amend the minister's zoning order requested by Cadillac Fairview to permit the expansion of the Georgian Mall, file 43Z82052:

"Dear Mr. Tofts:

"The city of Barrie has now withdrawn its request to refer the above-noted application. A copy of its letter is attached for your information. Therefore, Ontario regulation 62/73 is amended by Ontario regulation 771/83 to permit the expansion. A duplicate original copy of the amended order is enclosed for lodging in your office as required under the Planning Act.

"Yours truly, Sarah Fraser, Acting Senior Planner, Plans Administration Branch, Central and Southwest."

Carbon copies went to Mr. Alan Leibel of Goodman and Goodman, barristers and solicitors, and Mr. P. L. Westwood of the city of Barrie, legal branch, drafting department.

That is interesting, because that is the notice, in essence, from the Ministry of Municipal Affairs and Housing to the township of Vespra of what had been done. I think it is interesting that



we get some sense of how Barrie explained what it had done here.

On December 6, 1983, there was a letter to the Ministry of Municipal Affairs and Housing, plans administration branch, 777 Bay Street, Toronto, Ontario. It is marked "Attention: the Honourable Claude E. Bennett."

"Dear Sirs:

"Re: Cadillac Fairview Corp. Ltd., Application for an Amendment to the Minister's Zoning Order, Township of Vespra, your file: 43Z82052.

"Further to our letter dated September 28, 1982, on the above subject, this is to advise you that council for the corporation of the city of Barrie have recommended that their request to refer this matter to the Ontario Municipal Board be withdrawn. This withdrawal will then permit the minister of housing to lift the zoning order with respect to the Cadillac Fairview application and permit them to proceed with this development.

"Yours truly, P. L. Westwood, City Clerk."

That tells it all in a rather succinct way. That tells exactly what is happening here. One needs a little experience in planning matters to understand the jargon of it all, but it is pretty straightforward. The minister simply advises Vespra that Cadillac Fairview can now proceed to build its mall and the city of Barrie in a straightforward way simply advises the minister that, although it has registered an objection and although it had indicated for some time it was going to go to the OMB over it, it now wants to withdraw it.

Reading the letter, I guess ordinary people would say a \$20-million expansion to a shopping mall is important stuff. Surely if a city like Barrie was going to withdraw its objection, it would say why. Surely it would give a little explanation. It is a serious business when one municipality registers an objection at the Ontario Municipal Board or threatens to have a hearing before the OMB about the expansion of a shopping mall in an adjacent municipality. That is important stuff. It involves a lot of money. They are inconveniencing, for example, the Bronfman family; they are making things awkward for the T. Eaton Co.; I am sure they caused some displeasure and aggravation at Cadillac Fairview, even to its most conservative chairman.

I am sure they knew at Barrie council when they blocked the expansion of the mall that this is not something that is done lightly. I am sure that was discussed completely, and I hope openly, at the Barrie city council level. I am sure when

they registered those objections they had good reasons. I am sure they would not go before the OMB and sit down and say, "We do not like it." They have to muster an argument and present from a planning point of view reasons why this expansion should not proceed.

In my municipality and in my municipal experience, if a municipality is going to object to something at the OMB, I know and many other members will know that when one municipality objects to something that is happening in an adjacent municipality, the planning staff, legal staff and public works staff get together and begin the long, slow process of mustering an argument as to why that development should not proceed.

It is not just a matter of flipping a letter off in the mail. It is a matter of saying: "Our city's reputation is at stake here. We must put together an argument that is extensive and based on fact. We know when we appear before the municipal board, it will rightly expect that this is not a casual decision taken in the heat of an argument. This objection means there will be an expenditure of substantial amounts of money, there will be legal costs incurred, the argument will be heard before the OMB and we will have to present a solid and tight case establishing it is a reasonable thing for our municipality to register that objection."

I would have thought that somewhere the council of Barrie would have taken the opportunity, particularly in writing to the Minister of Municipal Affairs and Housing, to outline precisely why it had decided to withdraw that objection. As with so many other things we have heard about in this scenario of events, perhaps the reasons were given to the minister. In my attempt over a six-month period to lay my hands on those pieces of paper that explain the rationale and provide us with the sequence of events, details and information about why those objections were withdrawn, I have not found them.

During the course of the committee consideration, we asked on several occasions the basis for pulling this. Why did Barrie want it? Although the opportunity was presented to the staff in the city of Barrie and they did attempt during the course of the committee to answer questions, there was no great tabling of documents. That is for sure. None of that happened.

**The Acting Chairman:** I draw the member's attention to the clock.

**Mr. Breough:** I appreciate that and I will continue, as they say in the trade, anon.

On motion by Hon. Mr. Wells, the committee of the whole House reported two bills with certain amendments and progress on another bill.

**Hon. Mr. Wells:** Mr. Speaker, the progress was the two bills we completed in committee.

We will continue debating this matter next Tuesday, taking the form of a government motion we will put on to bring some finality to the debate. We will set some time limits to conclude the debate on this bill, as requested by all members from all sides of the House, to bring some finality to this bill.

**Mr. Martel:** It sounds like closure.

**Mr. McClellan:** The House leader said Tuesday.

**Hon. Mr. Wells:** I am sorry, I meant Monday. We are meeting on Monday. I will make sure that is very clear. We will continue this matter next week, debating it Monday afternoon and evening. We will have in Orders and Notices a motion to schedule some timing for the various remaining stages of this bill.

**Mr. Martel:** Mr. Speaker, just to clarify, once the minister calls the orders of the day on Monday, he is going to move directly to his motion, I presume. Then whenever we finish debating the motion, we will we go back to the Vespra bill.

**Mr. Breough:** It might be a lengthy debate.

**Mr. Martel:** There might be a little debate on the motion as well.

**Hon. Mr. Wells:** That is absolutely correct. It will be a motion exactly like the one that was ruled in order by this House a year or so ago.

**Mr. Martel:** Yes, but we will be able to debate it, I presume.

**Hon. Mr. Wells:** Oh, yes.

**Mr. Martel:** At length.

#### MEMBERS' EXPENDITURES

**Mr. Conway:** Mr. Speaker, before we adjourn, while I do not mean to delay the proceedings, I think the House owes a considerable debt of gratitude to our friend the member for York South (Mr. Rae), who has produced an addendum to the sessional paper relating to members' expenses.

If you have not had the opportunity to survey the addendum to the sessional paper, given the interest of the House in this matter, I would certainly recommend it to your attention because it appears the member for York South has done his homework very well. We have, by this accounting, not one but several million-dollar men on the other side of the aisle. I am sure this will be of great interest to you and to the public beyond this place.

I think the member for York South is to be congratulated for his diligence and for the excellence of his work in this connection.

The House adjourned at 1:02 p.m.



## APPENDIX

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## HOSPITAL BEDS

beds, together with a schedule for opening and the location? [Tabled April 16, 1984]

**300. Mr. Cooke:** Will the Minister of Health table a complete list of planned long-term care

**Hon. Mr. Norton:** Our response is as follows:

## A. Planned Hospital Beds - March 31, 1984

Location	Facility	Anticipated Opening Date	Net Changes	
			Chronic	Rehab.
London	Parkwood	February 1985		+ 40 sp. rehab.)
Mississauga	Credit Valley	October 1985	+ 40	+ 40
Scarborough	Grace	September 1985	+ 65	
Toronto	Baycrest	September 1985	+ 109	+ 32
Toronto	Queensway General	November 1984	+ 120	
Whitby	Dr. Joseph O. Ruddy	opened April 1984	+ 32	
Hamilton	Henderson	July 1984	+ 38	
Hamilton	Chedoke McMaster	Under negotiation with hospital	+ 14	
Hawkesbury	District General	June 1984	+ 26	
Ottawa	Elisabeth Bruyère	Phased in up to November 1985	+ 15	
Moosonee	Attawapiskat	September 1984	+ 8	
<b>Total</b>			<u>+467</u>	<u>+112</u>

## B. Nursing Home Beds Awarded but Not in Operation—March 31

Location	Facility	Anticipated Opening Date	Number of Beds
Halton	Georgetown Hospital	September 1984	47
Peel	Peel Non-Profit Housing (Bolton NH)	July 1984	14
Middlesex	Bethany Lodge	June 1984	10
Toronto	Northwestern Hospital	July 1984	120
Elgin	Caressant Care St. Thomas	June 1984	41
Elgin	Aylmer NH	November 1984	15
Peel	Faith Manor	December 1984	38
Peel	Erin Mills Lodge	December 1984	32
Niagara	West Lincoln Memorial Hospital, Grimsby	May 1985	39
Niagara	Valmac Holdings Ltd.	December 1984	21
Nipissing	Algonquin NH	June 1984	6
Ottawa-Carleton	Sarsfield NH	October 1984	10
Sudbury	Town of Espanola	May 1985	30
Simcoe	Stayner	November 1984	20
Ottawa-Carleton	Osgoode Care Centre	April 1985	47
Metro Toronto	North York General Hospital	August 1985	50
Metro Toronto	Roulet Health Care Facility	May 1985	50
Middlesex	Middlesex Terrace	June 1984	10
Ottawa-Carleton	Osgoode Care Centre	April 1985	10

Location	Facility	Anticipated Opening Date	Number of Beds
Renfrew	Valley Manor	June 1984	2
Simcoe	Coleman	November 1984	10
Geraldton	Geraldton District General Hospital	Fall 1985	
Dryden	Dryden District General Hospital	Fall 1985	20
Atikokan	Atikokan General Hospital	May 1985	16
Smooth Rock Falls	Smooth Rock Falls Hospital	Spring 1986	20
<b>Total</b>			<b>697</b>

**303. Mr. Cooke:** Will the Minister of Health list all hospitals which have put beds or wards out of service in the last five years, including the number of beds and the month of year of closure for each hospital listed? Which of these beds could be quickly reactivated or put into other medical uses if the ministry were prepared to provide operating costs? [Tabled April 16, 1984]

**Hon. Mr. Norton:** The ministry does not keep an ongoing record of this information.

**305. Mr. Cooke:** Will the Minister of Health advise the House what are the current bed-

population ratios for acute care beds, chronic care beds, extended care beds, palliative care beds and psychiatric beds: (1) for the whole province; (2) for northern Ontario; (3) for southern Ontario; (4) for Metropolitan Toronto; (5) for Ottawa; (6) for Hamilton; (7) for London; (8) for Windsor; (9) for Peterborough; and (10) for Niagara? [Tabled April 16, 1984]

**Hon. Mr. Norton:** The bed-population ratios for acute, chronic, extended, palliative and psychiatric care beds as of March 31, 1984, for the whole province and for northern and southern Ontario are as follows:

#### Acute Treatment Beds (excluding psychiatric)

Area	Approved Beds	Referral Population	Beds/1,000 Referral Population
Province	34,012	8,813,535	3.9
Northern Ontario	3,722	784,033	4.7
Southern Ontario	30,290	8,029,502	3.8

#### Chronic Care Beds (excluding rehabilitation)

Area	Approved Beds	Referral Population 65+	Beds/1,000 Referral Population 65+
Province	11,051	886,726	12.5
Northern Ontario	918	76,036	12.1
Southern Ontario	10,133	810,690	12.5

#### Extended Care Beds (nursing home beds and extended care beds in homes for the aged)

Area	Approved Beds	Referral Population	Beds/1,000 Referral Population
Province	42,159	8,821,706	4.8
Northern Ontario	4,018	855,087	4.7
Southern Ontario	38,141	7,966,619	4.8



**Acute Psychiatric Beds**  
(in public and private hospitals, excluding Ontario psychiatric hospitals)

Area	Approved Beds	Referral Population	Beds/1,000 Referral Population
Province	2,778	8,813,535	0.3
Northern Ontario	203	784,033	0.3
Southern Ontario	2,575	8,029,502	0.3

The Ministry of Health does not compute bed ratios for acute, chronic, extended, palliative and psychiatric care on an individual city basis.

With respect to palliative care (included in chronic care beds), the ministry does not maintain bed-population ratios for this level of care.

#### B.O.N.D. PROGRAM

**304. Mr. Cooke:** Will the Minister of Health table all analyses and reviews it has undertaken to monitor the impact of the business-oriented new development program on admission practices and services and programs in Ontario hospitals? [Tabled April 16, 1984]

**Hon. Mr. Norton:** In our discussions with hospitals we are not aware of any problems related to access to standard ward accommodation which have resulted from the introduction of the BOND program. Although there has been a slight increase in the proportion of preferred accommodation hospital beds, the percentage continues to be less than 50 per cent of total beds.

The absence of problems relating to access is not surprising. The regulations of the Health Insurance Act (regulation 40) require that individuals certified by a physician as being in need of standard ward accommodation have this type of accommodation made available to them. Under circumstances where this requires use of semi-private and private beds, no charge can be made to the patient by the hospital.

#### FAMILY MAINTENANCE ORDERS

**324. Mr. Wrye:** Will the Attorney General advise the House on the number of outstanding orders for family support from negligent spouses that currently exist in Ontario? [Tabled April 27, 1984]

**Hon. Mr. McMurtry:** In the provincial courts, family division, at March 31, 1984, there are 49,206 active maintenance accounts, i.e., having at least one recorded transaction in the preceding 12-month period. In January 1983, a

computerized accounts monitoring system was established on a pilot project basis in the Metropolitan Toronto family court to test the feasibility of a province-wide system. In Metropolitan Toronto, there are 8,903 active accounts as of March 31, 1984, of which approximately 2,700 are deemed to be in default.

Given the diversity of the population, geography and societal makeup peculiar to each judicial district in the province, it would not be reasonable to use the Metropolitan Toronto data to estimate the number of delinquent accounts on a province-wide basis. Until such time as a province-wide computerized system can be developed and implemented, the total number of outstanding orders in the province is unknown.

#### FOREST MANAGEMENT AGREEMENTS

**332. Mr. Stokes:** Will the minister provide, for the year 1982-83, the amount of money spent by this ministry on forest management agreements? Will the minister break this total down into moneys paid to the firms holding the FMAs and moneys spent directly by the ministry on FMA lands? [Tabled May 4, 1984]

**Hon. Mr. Pope:** For the fiscal year 1982-83:

1. The total amount of money spent by the ministry on FMAs is not determined.
2. The moneys paid to the firms holding the FMAs was \$15,061,858.30
3. Moneys spent directly by the ministry on FMA lands is not determined.

#### FOREST REGENERATION

**333. Mr. Stokes:** Will the Minister of Natural Resources provide, for the year 1982-83, the total acreage of forest and that was cut over and which is not available for regeneration treatment? [Tabled May 4, 1984]

**Hon. Mr. Pope:** For the year 1982-83:

1. Total acreage of forest land cut over: Information available on page 13 of the Ministry of Natural Resources published Statistics 1983.
2. Which is not available for regeneration

treatment: No determination of this cutover category is made; however, all land is available for regeneration.

### PSYCHIATRIC HOSPITAL STUDIES

**336. Mr. Rae:** Will the Minister of Health provide a copy of the report done for the mental health division of Medicus Canada, which studied the Thunder Bay Psychiatric Hospital, Brockville Psychiatric Hospital and London Psychiatric Hospital in 1982? [Tabled May 11, 1984]

See sessional paper 154.

### PRIVATE TREE NURSERIES

**399. Mr. Wildman:** Would the Minister of Natural Resources provide a list of the locations where the new private tree nurseries that will supply seedlings for the reforestation program are to be established, as well as a list of the individuals, groups, organizations and companies whose tenders have been accepted and/or are being considered for acceptance for contracts to operate each nursery in each of these locations? [Tabled May 23, 1984]

**Hon. Mr. Pope:** New private tree nurseries: (1) container stock production, Mr. Wayne Gartshore, Sault Ste. Marie; (2) vegetative propagation of cuttings, Mr. Rosaire Filion, Moonbeam; (3) bare-root stock production, Kimberly-Clark of Canada Ltd., Longlac.

### DAY CARE

**407. Mr. Wrye:** Will the Minister responsible for Women's Issues advise the House as follows: (1) What does the internal review of day care services by the women's directorate entail; and (2) when will the review be completed? [Tabled May 28, 1984]

**Hon. Mr. Welch:** 1. The internal review, co-chaired by the Ministry of Community and Social Services and the Ontario women's directorate, will cover current child care policies, the establishment of pilot services for work place child care, Hub Model services for rural and immigrant women, and an action plan to address future policy directions for child care, including tax and financing proposals for federal-provincial discussions.

2. The review is expected to be completed by the end of 1984.

### CONTAINER NURSERIES

**409. Mr. Wildman:** Would the Minister of Natural Resources provide a complete list of the individuals, groups, organizations and com-

panies that submitted proposals for establishing a container nursery for each of the following locations in the northeastern region—Wawa, Sudbury, Sault Ste. Marie and North Bay—prior to the ministry selections for each location? [Tabled June 1, 1984]

**Hon. Mr. Pope:** The following proposals were received by the ministry in the northeastern region prior to selection:

Wawa: Northern Greenhouse Farms, Northern Forest Services, Amy-Jean Bolduc, Seedling Nursery Inc., Trees for Tomorrow, B. F. Kenny, Curtis, A. and D. De Groot, Mikom Forest Service.

North Bay: AquaNorth Inc.

Note: The ministry subsequently changed the location of the Wawa facility to Sault Ste. Marie.

Sudbury: None, since no proposals have been requested.

**410. Mr. Wildman:** Would the Minister of Natural Resources provide the exact number of new container (paper pot) nurseries that have been established in the province to provide seedlings for the reforestation program and the total amount of capital funding that the ministry has committed to assist in the setting up of these nurseries? [Tabled June 1, 1984]

**Hon. Mr. Pope:** 1. There are 21 new container nurseries established in the province, 17 of which are paper pot and four are Spencer-Lemaire.

2. Capital cost payments committed to date total \$4.2 million. These payments constitute an advance to the grower towards the capital costs of constructing the container facility. In return, the grower enters into a five-year agreement with the ministry for the production of containerized tree seedlings.

### NIAGARA RIVER WATER QUALITY

**412. Mr. Charlton:** Will the Minister of the Environment table the following information: (1) What is the Ministry of the Environment's total budget for work on the Niagara River; (2) what has the Ministry of the Environment paid to consultants working with the ministry on US dump sites suspected of leaking to the Niagara River; and (3) what has the Ministry of the Environment paid in 1981-82, 1982-83 and 1983-84 to Geologic Testing Consultants (Ottawa) on the S area landfill site? [Tabled June 6, 1984]

**Hon. Mr. Brandt:** The Ministry of the Environment's total budget to date for work on the Niagara River is \$1,597,900.

Payments to consultants working with the ministry on US dump sites suspected of leaking



to the Niagara River from 1982 to date total \$423,500.

Payments to Geologic Testing Consultants on the S area landfill site: 1981-82, nil; 1982-83, \$69,400; 1983-84, \$14,000; total, \$83,400.

### **RESPONSE TO PETITION**

#### **WORKERS' COMPENSATION ACT**

Sessional paper 123, re Workers' Compensation Act.

**Hon. Mr. Ramsay:** Further to your June 1, 1984, memo regarding sessional paper 123, amendments to the Workers' Compensation Act which address the issues noted in the petition were introduced in the Legislature on the afternoon of Tuesday, June 12, 1984. I trust this is satisfactory.

CONTENTS

Friday, June 22, 1984

Statement by the ministry

McMurtry, Hon. R. R., Attorney General:	
<b>Annual report, public complaints commissioner</b> . . . . .	276
<b>Oral questions</b>	
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations:	
<b>Real Estate Office CIOP</b> , Mr. Boudria. . . . .	277
Grossman, Hon. L. S., Treasurer and Minister of Economics:	
<b>Youth employment</b> , Mr. Peterson, Mr. Foulds, Mr. Sweeney . . . . .	277
McCague, Hon. G. R., Chairman, Management Board of Cabinet:	
<b>Members' expenditures</b> , Mr. Rae, Mr. Nixon . . . . .	277
McMurtry, Hon. R. R., Attorney General:	
<b>Tabling of information</b> , Mr. Peterson. . . . .	277
<b>Justices of the peace</b> , Mr. Elston, Mr. Renwick. . . . .	277
Norton, Hon. K. C., Minister of Health:	
<b>Medical transportation</b> , Mr. Rae, Ms. Copps, Mr. Foulds. . . . .	277
<b>Psychiatric patients</b> , Ms. Copps . . . . .	277
Ramsay, Hon. R. H., Minister of Labour:	
<b>Employee health and safety</b> , Mr. Wildman . . . . .	277
<b>CUPE labour dispute</b> , Mr. Hennessy, Mr. Foulds. . . . .	277
Sterling, Hon. N. W., Provincial Secretary for Resources Development:	
<b>Niagara Escarpment Commission</b> , Mr. Swart. . . . .	277
Timbrell, Hon. D. R., Minister of Agriculture and Food:	
<b>United Co-operatives of Ontario</b> , Mr. Barlow, Mr. Riddell. . . . .	277
<b>Petition</b>	
<b>Facilities for learning disabled</b> , Mr. Cassidy, tabled. . . . .	278
<b>Report</b>	
<b>Standing committee on resources development</b> , Mr. Barlow, tabled . . . . .	278
<b>First reading</b>	
<b>Drainage Amendment Act</b> , Bill 113, Mr. Swart, agreed to . . . . .	278
<b>Motion</b>	
<b>Soviet dissidents</b> , Mr. Wells, Mr. Speaker, agreed to . . . . .	278
<b>Second readings</b>	
<b>Ontario Association of Certified Engineering Technicians and Technologists Act</b> , Bill Pr22, Mr. Mitchell, Mr. Gillies, agreed to . . . . .	278
<b>Executive Council Amendment Act</b> , Bill 84, Mr. Wells, agreed to. . . . .	278
<b>Legislative Assembly Amendment Act</b> , Bill 85, Mr. Wells, Mr. Nixon, agreed to . . . . .	278



### Committee of the whole House

<b>Legislative Assembly Amendment Act</b> , Bill 85, Mr. Wells, reported . . . . .	2784
<b>Employment Standards Amendment Act</b> , Bill 62, Mr. Ramsay, Mr. Gillies, Mr. Mackenzie, reported . . . . .	2785
<b>Barrie-Vespra Annexation Act</b> , Bill 142, Mr. Bennett, Mr. Breaugh, Mr. Wells, Mr. Martel, adjourned . . . . .	2786

### Third readings

<b>Land and Registration Reform Act</b> , Bill 66, Mr. Elgie, agreed to . . . . .	2782
<b>Ontario Loan Act</b> , Bill 74, Mr. Grossman, Mr. Eaton, Mr. Bradley, agreed to . . . . .	2782
<b>Labour Relations Amendment Act</b> , Bill 75, Mr. Ramsay, agreed to . . . . .	2784
<b>Financial Administration Amendment Act</b> , Bill 88, Mr. Grossman, agreed to . . . . .	2784
<b>Workers' Compensation Amendment Act</b> , Bill 99, Mr. Ramsay, agreed to . . . . .	2784
<b>Farm Products Payments Amendment Act</b> , Bill 104, Mr. Timbrell, agreed to . . . . .	2784
<b>Farm Products Grades and Sales Amendment Act</b> , Bill 105, Mr. Timbrell, agreed to . .	2784
<b>Ontario Association of Certified Engineering Technicians and Technologists Act</b> , Bill Pr22, Mr. Mitchell, Mr. Gillies, agreed to . . . . .	2784

### Other business

<b>Tabling of information</b> , Mr. Speaker . . . . .	2767
<b>Members' expenditures</b> , Mr. Speaker . . . . .	2767
<b>Tabling of information</b> , Mr. Peterson, Mr. Allen . . . . .	2767
<b>Members' expenditures</b> , Mr. Conway, Mr. Speaker . . . . .	2768
<b>Tabling of information</b> , Mr. Bradley, Ms. Copps, Mr. Speaker . . . . .	2768
<b>Tabling of information</b> , Mr. Rae . . . . .	2770
<b>Youth employment</b> , Mr. Laughren, Mr. Martel, Mr. Speaker, Mr. Foulds . . . . .	2780
<b>Members' expenditures</b> , Mr. Conway . . . . .	2798
<b>Adjournment</b> . . . . .	2798

### Appendix

#### Answers to questions in Orders and Notices

<b>Brandt, Hon. A. S., Minister of the Environment:</b>	
<b>Niagara River water quality</b> , question 412, Mr. Charlton . . . . .	2802
<b>McMurtry, Hon. R. R., Attorney General:</b>	
<b>Family maintenance orders</b> , question 324, Mr. Wrye . . . . .	2801
<b>Norton, Hon. K. C., Minister of Health:</b>	
<b>Hospital beds</b> , questions 300, 303 and 305, Mr. Cooke . . . . .	2799
<b>BOND program</b> , question 304, Mr. Cooke . . . . .	2801
<b>Psychiatric hospital studies</b> , question 336, Mr. Rae . . . . .	2802
<b>Pope, Hon. A. W., Minister of Natural Resources:</b>	
<b>Forest management agreements</b> , question 332, Mr. Stokes . . . . .	2801
<b>Forest regeneration</b> , question 333, Mr. Stokes . . . . .	2801
<b>Private tree nurseries</b> , question 399, Mr. Wildman . . . . .	2802
<b>Container nurseries</b> , questions 409 and 410, Mr. Wildman . . . . .	2802
<b>Welch, Hon. R. S., Deputy Premier and Minister responsible for Women's Issues:</b>	
<b>Day care</b> , question 407, Mr. Wrye . . . . .	2802

**Response to petition**

Ramsay, Hon. R. H., Minister of Labour:

**Workers' compensation**, Mr. Wrye, Mr. Lupusella ..... 28

**SPEAKERS IN THIS ISSUE**

Allen, R. (Hamilton West NDP)  
 Barlow, W. W. (Cambridge PC)  
 Boudria, D. (Prescott-Russell L)  
 Bradley, J. J. (St. Catharines L)  
 Breaugh, M. J. (Oshawa NDP)  
 Conway, S. G. (Renfrew North L)  
 Copps, S. M. (Hamilton Centre L)  
 Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
 Elston, M. J. (Huron-Bruce L)  
 Epp, H. A. (Waterloo North L)  
 Foulds, J. F. (Port Arthur NDP)  
 Gillies, P. A. (Brantford PC)  
 Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
 Hennessy, M. (Fort William PC)  
 Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
 Laughren, F. (Nickel Belt NDP)  
 Mackenzie, R. W. (Hamilton East NDP)  
 Martel, E. W. (Sudbury East NDP)  
 McCague, Hon. G. R., Chairman, Management Board of Cabinet (Dufferin-Simcoe PC)  
 McMurtry, Hon. R. R., Attorney General (Eglinton PC)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Norton, Hon. K. C., Minister of Health (Kingston and the Islands PC)  
 Peterson, D. R. (London Centre L)  
 Rae, R. K. (York South NDP)  
 Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
 Renwick, J. A. (Riverdale NDP)  
 Riddell, J. K. (Huron-Middlesex L)  
 Robinson, A. M., Acting Chairman (Scarborough-Ellesmere PC)  
 Sterling, Hon. N. W., Provincial Secretary for Resources Development (Carleton-Grenville PC)  
 Swart, M. L. (Welland-Thorold NDP)  
 Sweeney, J. (Kitchener-Wilmot L)  
 Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)  
 Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
 Wildman, B. (Algoma NDP)











# **Hansard**

# **Official Report of Debates**

## Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Monday, June 25, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, June 25, 1984

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### ANNIVERSARY OF ST. LAWRENCE SEAWAY

**Hon. Mr. Davis:** Mr. Speaker, I rise to remind all members that tomorrow is the 25th anniversary of the official opening of the St. Lawrence Seaway by Her Majesty Queen Elizabeth II and President Dwight D. Eisenhower.

Utilizing the St. Lawrence River, the Great Lakes and connecting channels and canals, the system measures some 3,800 kilometres from the mouth of the St. Lawrence to Thunder Bay. In complexity of engineering and in sheer size, the seaway exceeds both the Panama and Suez canals.

Throughout its brief history the Great Lakes seaway has become one of the main transportation networks linking Canada's industrial and agricultural centres to the rest of the world. Averaging more than 50 million metric tons of cargo per year—I am not sure whether that is a short or a long ton—the seaway plays a major role in the economic life of the Great Lakes basin. Indeed, the total value of commodities shipped through the system this year will be in excess of \$10 billion. These shipments are made possible in part by the efforts of the 17,000 persons who are directly employed by the marine industry in this province.

Thus Ontarians may look back upon the first 25 years of seaway operations with pride and satisfaction. As competition between trading nations intensifies, this vital route will assume an even greater importance to the economic well-being of our province.

On behalf of the government and members of the House, I extend congratulations on this silver anniversary and best wishes for continued success to all those associated with the St. Lawrence Seaway.

## CHILDREN'S MENTAL HEALTH SERVICES

**Hon. Mr. Drea:** Mr. Speaker, I would like to make a short statement today concerning children's mental health services in Metropolitan

Toronto, the regions of Peel and Halton, and Dufferin county.

In line with this responsibility, my ministry is starting up new children's mental health centres to be run by community agencies and boards in Etobicoke and Peel, and will enhance the services currently available in the region of Halton and the county of Dufferin. These are growth areas to the west and northwest of Metropolitan Toronto. I have included Etobicoke, an area geographically within Metro, because, like Peel, Halton and Dufferin, it is becoming increasingly subjected to the pressures and stress of urban influence.

In order to carry out fully our responsibility to the children and families living in these areas, my ministry has been examining carefully the best way to co-ordinate, streamline and, where necessary, augment these services.

These increased resources for the provision of children's mental health services in our ministry's central region have been made urgent by the changing population in suburban areas. The child population in these areas has increased by 17 per cent in recent years and it continues to grow.

Over the last seven years, since 1977, my ministry has been dedicated to the provision of services for children with emotional difficulties. Since 1977, we have increased the 55 centres to 81. For the 1984-85 fiscal year, my ministry projects an expenditure of approximately \$115 million for these services.

Let me give the House a brief indication of the new and augmented services that will be coming into effect.

As I have stated many times before, we in my ministry firmly believe that community care is the ideal alternative to residential care where humanly possible. Indeed, for many of the people for whom my ministry has responsibility, it may be the best alternative, providing a more satisfactory way of life for these people themselves and an advantage to the community. Following this principle, we believe that children who need these services should be able to receive them from services available in the community and from services provided through locally based community boards.



In most instances, the expertise is already out there in the community. My ministry's job is to help redirect that professional knowledge into areas where children need it most.

Our commitment is to ensure that existing services to children and their families are continued as we move towards the consolidation and co-ordination of existing services. Staff in the programs involved in this initiative will be informed of the plans that affect them and they will be encouraged to participate in the transition process to ensure services are maintained.

In the west end of Metropolitan Toronto, we are creating a brand new children's agency, the Etobicoke Children's Centre. This new centre will be operated by a local community board with an annual operating budget of \$3 million. Its work will be enhanced by the divestment of some of the services from the Thistletown Regional Centre and the reorganization of the former Aldergrove Centre, both run by my ministry.

It is with great satisfaction that I am able to tell you now that Dr. Clive Chamberlain, one of our most renowned and respected child psychiatrists, will be associated with the new centre.

The services of the new Etobicoke Children's Centre are being expanded to include a range of community programs, along with day treatment and residential services. I would like to mention briefly some of the services that children and young people can expect through the new Etobicoke Children's Centre in each of two locations, in Rexdale and in the southern part of Etobicoke.

Assessment and treatment services will provide psychological and developmental assessments. These services will also include family, individual and group treatment. Other services include day programs and treatment and school support, therapeutic day programs, a home care program, and residential services in both the Rexdale and southern part of Etobicoke for hard-to-serve adolescents in crisis. A group of child psychiatrists will work out of the new Etobicoke centre and will provide consultation and clinical services.

Continuing this expansion, a new Peel Children's Centre will be set up in the region of Peel. It will consolidate existing children's mental health services within the region, including those services currently provided by the ministry's facility, Thistletown, to the region of Peel and also new services to enhance the capabilities within the region. The responsibility for the organization and operation of the new centre will be in the hands of a local board who are in the best

position to know the needs of their children and their community.

The new Peel centre will have a consolidated budget of approximately \$2.25 million with a broad range of services, including residential services, outreach services, a family court clinic and other specialized services.

The Peel Children's Centre will serve children and families throughout Caledon, Brampton and Mississauga. In addition, the community in Dufferin county will have access to the services of the centre through its outreach programs.

**2:10 p.m.**

Let me return for a moment to the subject of divestment of staff from Thistletown and associated services, which I have just mentioned. My ministry recognizes the important caring contribution the staff has made and is making. Every effort will be made to ensure they will continue to assist us in the provision of services to children.

Turning now to Halton region, I am able to tell members services there will be enhanced by the infusion of \$150,000 additional funding. Funding for programs in Halton during the 1984-85 fiscal year will be approximately \$1.1 million. Services will be available through the present centres in Burlington and Milton and a new service in Oakville. New assessment and counselling services, including psychologist and social worker services, will be available and the existing residential day treatment and prevention programs will be enhanced.

My ministry will work with service providers and other professionals in Halton to ensure that new and expanded programs provide real help for the region's children where and when it is needed, a joint effort we plan to continue for many years.

The ministry's Thistletown Regional Centre in Rexdale, with an allocation of some \$12.7 million a year, will retain its role as a regionally oriented centre. It will continue to focus on the emotional, behavioural and developmental disturbances of children and youth from age three to 19 years. Thistletown offers psychiatric treatment for adolescents and their families through outpatient, day care and residential programs. It provides treatment, prevention services, research and evaluation for children and adolescents with developmental disorders, including autism.

Through Interface, Thistletown's integrated resources for family assessment, consultation and education program, children and families in the region of York will continue to receive



services. Thistletown will also maintain its secure treatment and secure care services at the Syl Apps Youth Centre in Oakville.

Thistletown maintains its role as one of Canada's foremost facilities for research and prevention for children with emotional disorders and developmental disturbances, in association with the University of Toronto. This centre will continue to be a major resource place in the ministry's central region not only for its residential and outreach work but also for the knowledge it possesses for the wellbeing and benefit of children in this province.

Our goal is to maintain and expand services for children with emotional disorders and developmental disturbances throughout the province. This new thrust, the joint initiative I have just outlined between my ministry and the communities involved, is proof of our commitment to the children of Ontario.

#### ONTARIO WASTE MANAGEMENT CORP.

**Hon. Mr. Brandt:** Mr. Speaker, I am pleased to announce the reappointment of the chairman of the Ontario Waste Management Corp., Dr. Donald A. Chant, and the other six members of the board of directors of the corporation for a further three-year term.

I am also appointing a new director to the board, Graham W. S. Scott. Members will recall Mr. Scott as a very able Deputy Minister of Health, and prior to that, as Deputy Minister of the Environment. Mr. Scott is now a partner in a leading Toronto law firm. We are pleased to have his valued experience in the fields of environment, health and law to serve the corporation.

The Ontario Waste Management Corp. was established as a crown agency in July 1981 to find an appropriate site, or sites, and then to design, construct and operate a province-wide facility for the treatment and disposal of liquid industrial and hazardous wastes.

Since its appointment, the corporation has been engaged in its first challenge, to identify a site, or sites, for the establishment of a needed industrial waste treatment facility for the province. After carrying out extensive hydrogeological and other environmental studies in southwestern Ontario, the corporation concentrated its search for the required facilities within the Golden Horseshoe, a heavily industrialized area in which more than 70 per cent of Ontario's liquid industrial wastes are generated.

In 1983, the corporation identified 150 potential sites within 20 specific areas. Last March, the OWMC announced it had narrowed its search to

eight candidate sites. During the past three years, the corporation has conducted an effective public consultation program. It has held numerous workshops, seminars and public meetings that have been attended by thousands of our residents.

As I have said on numerous occasions, the site or sites ultimately proposed by the corporation will be submitted to a Hearing Panel on Industrial Waste Management. The panel will then convene public hearings to ensure that the ultimate site is a safe place for the facility, that the proposed facility is technologically sound and that it will be operated in an environmentally safe manner.

I am pleased to announce today that Denis M. Coolican of Ottawa will serve as chairman of the panel and Dr. O. Harold Warwick of London, Ontario, will continue as one of the hearing officers. Mr. Coolican, a chemical engineer, is a member of the Environmental Assessment Board. He has a distinguished record of public service, including 10 years as chairman of the regional municipality of Ottawa-Carleton, and he is currently president of the Royal Canadian Geographical Society. Dr. Warwick practised medicine in London for many years and is a former professor—

**Mr. Martel:** Warwick, you said?

**Hon. Mr. Brandt:** Warwick; that is what I said.

**Mr. Martel:** "Enough Tories;" that is what Mulroney said yesterday.

**Mr. Speaker:** Order.

**Hon. Mr. Brandt:** Dr. Warwick practised medicine in London for many years and is a former professor and dean of medicine of the University of Western Ontario. He has served as executive director of the National Cancer Institute of Canada and the Canadian Cancer Society.

Today I am announcing the appointment of three new members of the panel: A. H. Bert Weeks, who will serve as vice-chairman.

**Mr. Breaugh:** There is one good one.

**Mr. Ruston:** Former New Democrat, now a Tory.

**Hon. Mr. Davis:** What thunderous applause from across the floor.

**Hon. Mr. Brandt:** I noted there were at least two who were taking an active interest in that particular appointment.

Mr. Weeks is currently chairman of the Windsor Utilities Commission and was mayor of that fine city in southwestern Ontario for about eight years.



**Hon. Mr. Davis:** Where is that?

**Hon. Mr. Brandt:** Windsor, Ontario, a fine community.

He is also a former vice-president of that distinguished organization known as the Association of Municipalities of Ontario.

Dr. George M. Delgrosso is another appointment to this hearing panel. Dr. Delgrosso served as president of Lambton Community College in Sarnia for 12 years from 1967 to 1979.

**Hon. Mr. Davis:** Where is he from?

**Hon. Mr. Brandt:** He is originally, I believe, from somewhere outside Sarnia, but he now resides in Sarnia and is now a private consultant in human relations.

Harry M. Smith is another appointment to the hearing panel. Mr. Smith has served as a councillor, a deputy reeve and a mayor of the town of Ajax. He has just recently completed a term as a member of the Environmental Assessment Board.

I am pleased to report that the panel now will begin developing its rules of procedure as well as planning for the forthcoming public hearings.

My personal commitment and the prime objective of the Ontario government is to ensure the safety and health of Ontario residents. This was clearly established by the government when it created the Ontario Waste Management Corp. and the hearing panel, and set in motion the important process of finding a site and developing a facility for the safe treatment and disposal of the wastes that are generated by Ontario industry. The corporation and the panel will reflect this commitment as they proceed with their very important work.

#### HEALTH PROTECTION AND PROMOTION ACT

**Hon. Mr. Norton:** Mr. Speaker, today I am pleased to advise the House that the proclamation order for the Health Protection and Promotion Act, 1983, has been approved by cabinet and the act will be proclaimed to come into force on July 1, 1984. I believe it is the most progressive public health legislation in North America and, as such, has great significance for the health and wellbeing of all Ontario residents.

The act focuses on the promotion of healthy lifestyles and the prevention of illness. In this respect it reflects a growing interest on the part of the general public in learning more about what contributes to wellbeing and good health. The act and its regulations are therefore designed to help people exercise greater responsibility in personal

and family health by providing them with the necessary support services.

This focus on preventive health care is strongly endorsed by Ontario's health professionals. In fact, at the series of planning conferences, Health Care in the '80s and Beyond, that was held throughout the province last year, health promotion was identified as Ontario's number one health care priority.

**2:20 p.m.**

Until today, the organization and delivery of public health programs in the province was controlled by the Public Health Act of 1882. While this act had been amended several times in the past century, it no longer reflected our modern-day social environment or the role and scope of public health services. A major review and revision of the Public Health Act was therefore undertaken.

One of the distinguishing features of this legislation is that it represents several years of consultation with numerous committees and individuals from local health boards. The universities, the related health care professions, the general public and other ministries were also involved. Since it received third reading in February 1983, additional consultations took place to develop the regulations and guidelines that accompany the act.

The new act clarifies the roles of the 43 boards of health and medical officers of health who are responsible for ensuring the provision of public health services. It eliminates outdated and unnecessary provisions of the old act and has been designed as a concise statute that can be easily understood.

However, what sets the act apart from previous public health legislation is the requirement that throughout the province a basic core of seven standard health services will now be available. Required services include community sanitation, communicable disease control, preventive dentistry, family health, home care, nutrition and health education.

The wording of the act—that every board “shall superintend, provide or ensure the provision of the designated services—is intended to encourage boards to work with local agencies in the planning and delivery of these services and, where appropriate, to play a co-ordinating role.

To ensure more effective control of communicable diseases, for example, boards of health now have strengthened responsibilities with respect to immunization. They will make available information about immunization and ensure



ts provision through regular clinics and family physicians.

Hearing and vision testing and a health assessment are to be made available for each child before or upon entry to school. For our growing elderly population, services will be available to assess their mental and physical wellbeing, and particular attention will be directed to high-risk seniors. Preventive dentistry programs include fluoride therapy and instruction in oral hygiene for elementary school children. A nutrition information and advisory service will be made available to communities.

Some of these services and programs are already available through some of the 43 boards of health. However, in certain instances, programs will have to be developed and the required resources found. In recognition of this, the mandatory programs will be implemented in phases. The first phase should be operational within a year or so, with subsequent phases introduced over the next several years, according to local needs.

While the act establishes standard levels of services for all boards of health, each board is free to introduce additional programs in response to local needs. Thus, individual boards will continue to exercise the creativity they have shown in the past and which has been fundamental as input to this legislation.

The creation of the position of chief medical officer of health for the province will also help to ensure effective accountability in the delivery of services. For the first time in legislation, the role that boards of health play in occupational and environmental health is recognized. Medical officers of health are required to keep informed of occupational and environmental health issues and to work closely with officials in the ministries of Labour and Environment with respect to these matters.

We can be justly proud of this new Health Protection and Promotion Act. It represents the collective wisdom of Ontario's health professionals, numerous health-related interest groups, members of the general public, ministry personnel and members of this House. It breaks new ground in public health service and standards, and it reflects our society's growing awareness about personal responsibility for health and wellbeing.

Therefore, I am confident that the Health Protection and Promotion Act will lead to better health and better health protection for all residents of Ontario.

## MEMBERS' EXPENDITURES

**Hon. Mr. Norton:** Mr. Speaker, while I am on my feet, I would like to raise a matter of personal privilege arising out of a story appearing in today's Globe and Mail. I am sorry the leader of the third party is not present for this; I suppose it is because he is suffering from a severe case of puzzlement and outrage. In any event, it relates to the allegation that—

**Mr. Martel:** Wrong again. When have you ever been right?

**Mr. Speaker:** Order.

**Hon. Mr. Norton:** —I have expended in the past year something like \$2.7 million in the operation of my office.

The information is clearly there and the members are well aware—

**Mr. Martel:** We tried to get that information and the Chairman of Management Board (Mr. McCague) would not give it to us.

**Mr. Speaker:** Order.

**Hon. Mr. Norton:** —of the fact that they have something in excess of 20 hours in which to question me during estimates on such matters as this.

For the benefit of the members who may have some concern about my spending habits, the total portion of that \$2.7 million that is spent on my office operation is some \$168,000. This is attributable to such matters as travel, telephone, telegraph, conferences, related expenses, equipment rentals, repairs, etc., for the operation of our office.

Other expenses are included in the \$2.7 million, and this may have misled some of the members and deterred them from inquiring further. All the statutory committees and boards which my ministry is responsible for are also paid out of that same item but are not paid for as part of the budget for my office.

**Mr. Martel:** Mr. Speaker, the Minister of Health should have been here on Friday to hear the question posed to the Chairman of Management Board. He would have noted that the leader of this party took those costs which were shown in the sheets prepared by the Office of the Assembly and put them against those figures in the Public Accounts of Ontario. This showed it is impossible for us to reach any conclusion as to what is spent by cabinet ministers.

We have been trying to get those figures for some time. It appears to me the minister is stonewalling. The only thing my leader could suggest is that it could be either one or the other. If the Chairman of Management Board was not

going to give us the other facts, then we were justified in suggesting that the costs were what my leader has said.

**Mr. Speaker:** Order.

**Mr. Martel:** If the minister wants to put his figures on the table, minister by minister, we would be delighted to see them.

**Hon. Mr. Norton:** I would like to point out that I was in the House on Friday. In fact, I was here until I had to leave to attend a meeting with members—

**Mr. Speaker:** Order. Would the minister resume his seat, please?

**Hon. Mr. Norton:** Can I complete my response, Mr. Speaker?

**Mr. Speaker:** No.

**Ms. Copps:** I have a point of privilege relating to a different matter.

I am happy to see the minister is not a million-dollar man, he is a \$168,000 man; and that is double the highest expenditure of any ordinary member of this Legislature. I wish that all—

**Mr. Speaker:** Order. The member for Hamilton Centre will please resume her seat.

**Ms. Copps:** I have a point of privilege, Mr. Speaker.

**Mr. Speaker:** You do have a point of privilege?

#### REPORT ON EMERGENCY SHELTER

**Ms. Copps:** I have a point of privilege on an issue arising from the emergency food demand, which I am sure would not interest the Premier (Mr. Davis). None the less, it may interest the Minister of Community and Social Services (Mr. Drea)—

**Hon. Mr. Davis:** Wonderful; clever.

**Mr. Speaker:** Order.

**Ms. Copps:** —to know that we attempted today to receive a copy of a public report developed by his ministry and published in May 1984, called the Emergency Shelter and Assistance Program Project Report. We were denied access to that public report by the people in his ministry. They said that as a result of the Toronto Star article on Saturday this issue was too politically hot and they were not going to give us the report.

**Hon. Mr. Drea:** The member can have the report any time she wants, Mr. Speaker. I would like to know the person the member spoke to. Does she want that report?

**Ms. Copps:** Yes.

**Hon. Mr. Drea:** Then she can go over to my office tomorrow morning and she can have it.

Interjections.

**Mr. Speaker:** Order, order.

#### ORAL QUESTIONS

##### USE OF GOVERNMENT AIRCRAFT

**Mr. Peterson:** Mr. Speaker, I have a question of the Minister of Natural Resources with respect to the private use of government aircraft.

No doubt he is aware of the article in the Sunday Sun with respect to the private use for fishing trips of Ministry of Natural Resources aircraft. It suggested that MPPs, cabinet ministers, senior bureaucrats and dignitaries use government aircraft, I gather, to fly in to some remote lake with a cabin owned by his ministry for private fishing trips.

What is the minister's policy with respect to the use of government aircraft for those private fishing trips? Are the expenses billed back to anyone and, if so, to whom? Does he have records? Who has access to those remote cabins owned by his ministry? Is there a bill-back? Who provides those facilities?

Clearly, the aircraft and the lodge are part of the minister's responsibility, so I would like to know from him what the government's policy is in that regard.

2:30 p.m.

**Hon. Mr. Pope:** Mr. Speaker, the Ministry of Natural Resources has many hundreds of buildings across this province. Many are located in parks and many are located on other public land beyond park boundaries. They are used by Ministry of Natural Resources employees and they are used by Junior Rangers. We house 1,711 every summer. They are also used to house students working in the Experience program.

**Mr. Haggerty:** They are not bureaucrats.

**Hon. Mr. Pope:** They are employees of the Ministry of Natural Resources during the summer months. As I indicated through my staff last week when this question arose, I have been in four such facilities in the three years I have been minister. One was for half a day in a facility at Pinery Park while I was doing a park tour of the southern part of the province. Quite frankly, we used the facilities to change my son's diapers.

**Mr. Nixon:** I do not know whether that is in the Manual of Administration.

**Hon. Mr. Timbrell:** Where is that covered in the Manual of Administration?



**Hon. Mr. Pope:** I do not think that is covered in the manual.

**Mr. Peterson:** Your son is 17.

**Hon. Mr. Pope:** That is not very nice. I am going to tell him the Leader of the Opposition (Mr. Peterson) said that. He is named after him.

The second facility that I have been in—

**Mr. Peterson:** Why do you not take Larry's nanny?

**Hon. Mr. Brandt:** I didn't know you had a son named Turkey.

**Hon. Mr. Pope:** It is getting worse over here. The second facility was—

**Mr. Speaker:** Having regard to the time available, I think we had better get on to the supplementary question.

**Hon. Mr. Pope:** I just wanted to indicate to the member that I have personally been at Hawley Lake twice in the three years I have been minister. Once was as a result of a four-hour trip to Moosonee. I went to the James Bay Education Centre, and then on up to Hawley Lake. We landed in a snowstorm.

**Mr. Peterson:** What did the minister have for lunch? That is not my question and I will rephrase it if it will be helpful. I am not interested in his particular itinerary. I know as minister he is busy and travels around the north a great deal in government planes. I congratulate him for having time to change his son's diapers. He could change a few more over there while he is at it.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** That is not the question. There is a very clear suggestion in this article that there has been an abuse of government aircraft, not by the minister on business—that is not the issue—but by ministers of the crown and MPPs of this House on pure pleasure for fishing, and by senior bureaucrats and other dignitaries who have been flown in at government expense, using government facilities. That is my question; it is not what the minister did personally.

What is the minister's policy in that regard? Does he have records? Has there been abuse of that privilege by individuals, by members of this government or others? What is his policy in that regard? Will he table the records in this House?

**Hon. Mr. Pope:** First, as to whether there has been abuse, I do not believe there has been. I am not aware of any request for the use of the Hawley Lake facility this summer. I am only aware of one request last summer by one other member of cabinet.

The policy we have is that, when there is a request to use a Ministry of Natural Resources facility or aircraft, we first see whether the facility is available; and it is the same with the aircraft. It is up to the individual requesting the service to determine that he is following the Manual of Administration. That is the same answer I gave the Leader of the Opposition with respect to aircraft. There is nothing unusual in that.

**Ms. Copps:** Mr. Speaker, I wonder if the minister could confirm, for the information of the House, a statement that was made to me some months ago by the member for Northumberland (Mr. Sheppard) that he and other members of the government, as well as individuals who had associations with the Progressive Conservative Party, were flown on a fishing trip by a Natural Resources aircraft. I am prepared to swear an affidavit to that information which was given to me by the member for Northumberland.

**Hon. Mr. Pope:** I do not know to what the member is referring. If she can give me a date, I will try to find out from the member for Northumberland.

#### EMPLOYMENT PROGRAMS

**Mr. Peterson:** Mr. Speaker, I have a question for the Treasurer. It refers to some of the phantom budget programs to create employment in this province in his budget of almost six weeks ago now, where we looked for action and found none.

Let me be very specific. A particular gentleman of Niagara Falls, some 49 years old, read or heard in the Treasurer's budget about a proposal to provide a \$2,000 incentive to employers to hire and train laid-off workers over the age of 45. He was eligible, so he went about inquiring how he could be part of that program. The local community college was unable to help him. He contacted the office of one of the responsive members of the Legislature in that regard.

Why is it that the colleges still, and Niagara College in this particular case, were told last Thursday it would be at least a month before any new information would be provided before the program gets going, if there is a real program? Again, my question is this: is this another one of the Treasurer's phantom programs? Why is it not going at this date after the budget? When is he going to do something substantial to address the problems of training, retraining and unemployment in this province?

**Hon. Mr. Grossman:** Mr. Speaker, it is precisely because we want to do something



substantial, not something knee-jerk as the member suggested, that it takes a period of weeks to get these programs running. In the case of the program to which the member is referring, a submission has been done by the Ministry of Colleges and Universities with regard to the precise shape of that program.

Interjection.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** At the very next meeting of the Board of Industrial Leadership and Development, I believe, the ministry will be bringing its submission. Therefore, I expect the program will be in effect in the next six to eight weeks.

**Mr. Peterson:** What does the Treasurer do? Does he make up the numbers and the names and then get the other people to work out the program for him and go out to advertise it?

**Mr. Speaker:** Question, please.

**Mr. Peterson:** This is what the Treasurer is doing. This delay is incredible, as is the fact there has not been more thought put in these programs.

With respect to the whole Ontario training incentive program, which was announced a year or so ago, there are still no guidelines. The only thing that is happening is a \$1,000 bonus for a 10-week familiarization period with new employees. However, in reality, it is going to be months more before the Treasurer has the regulations or the program in place to offer real programs and real retraining in that regard.

I ask the Treasurer again: Why does it take him so long to get off his duff and do something? Did he not think this out ahead of time in his budget? Was renaming and reshuffling the deck the only process he went through, rather than having really specific ideas in his own mind?

**Hon. Mr. Grossman:** The way the system goes—and I understand the member's unfamiliarity with the way government operates—we met with our colleagues at some length. We determined what programs might be appropriate. We then determined with our colleagues a fairly accurate estimate of the financial resources necessary to fund those programs. We then agreed to those programs at the Treasury level.

We asked our colleagues to refine the precise operation of those programs for us by way of a subsequent submission to BILD, to make sure the programs were thought through, with the community colleges in this case, in order that the delivery mechanisms would be properly in place. We also wanted to make sure the funding levels were accurate.

I would tell the member right now that a couple of the programs appear as though they will cost a little more and some look as if they will cost a little less than I originally anticipated. However, this is the way we anticipated the program would go.

Therefore, it is precisely because we have developed programs that are complicated but well thought out and carefully structured that it takes more time than just pressing a switch and saying: "Let us spend \$60 million, \$70 million or \$80 million to hire some kids. Then, after we have them on government payroll, let us figure out what papers they will shuffle."

Instead, we have rejected that capital L Liberal approach and gone with a very thoughtful, carefully planned and carefully organized program that will help hundreds of thousands of young people.

2:40 p.m.

**Mr. Martel:** Mr. Speaker, I have been attempting to obtain information on the details of those programs, so I could pass them on to the students, small businessmen and others who have approached me. Can the minister tell me when the detailed information on how people apply will be made available, so we can pass it on to the people who have made inquiries of us?

**Hon. Mr. Grossman:** Mr. Speaker, the budget contains so many initiatives—I have four pages of them—and they have various dates for implementation. The estimated startup dates range from early July for the next group, some are already in place, through to early autumn. As those programs come into place—

**Mr. Martel:** When do we get the details?

**Hon. Mr. Grossman:** I will not have the details for the member until we finalize them and I have just told him that is an ongoing process that will be completed by mid-autumn. I understand the member would like the traditional knee-jerk stuff. We do not have it here.

**Mr. Peterson:** Does the Treasurer realize that not only has he done nothing new of substance but also he has actually suspended a number of programs that were working and working well. He has retarded progress. The Ontario training incentive program, for example, was suspended on April 1. It was working modestly, but it was working. The Treasurer suspended the operation of that program for three, four or five months pending new guidelines.

The government is doing nothing. Why does the Treasurer not let the existing programs, the ones that are making a contribution, go ahead



rather than wait for him, Camp and Atkins, his public relations people and everybody else to get out the advertising program? Surely the problem is still sufficiently critical, particularly in the category of older workers over 45 who need retraining, to allow the old programs to proceed until he can think of something new to replace them.

**Hon. Mr. Grossman:** I want to be very clear for the Leader of the Opposition. The old programs are proceeding. There is a gradual phasing from those programs into the new programs, precisely what he suggested we should not do a moment ago. He suggested the new programs should have started the day of the budget.

We will leave aside that contradiction for a moment. In this case once again, the member is uninformed or misinformed. Whatever the circumstance, he is totally wrong when he suggests those programs were stopped dead in their tracks. He is dead wrong; more dead perhaps than wrong, but dead wrong.

#### GASOLINE PRICES

**Mr. Martel:** Mr. Speaker, I have a question for the Minister of Energy, if I can get his attention. The minister will recall that several weeks ago I raised a question with respect to the differential cost between leaded and unleaded gasoline. I indicated it was a spread of 11 cents a gallon. The minister responded to this just 10 days ago with the most nonsensical and immature answer I have heard in this House in a long time.

Environment Canada indicates through its studies that there is only a four tenths of a cent per litre difference in the cost of production of unleaded gasoline as opposed to leaded gasoline. The minister's answer, which is in four parts, gives us as one reason such a silly thing as the fact that unleaded gasoline costs more to manufacture than leaded gasoline, without any breakdown in figures as to what those increased costs are. In addition, more crude oil is required. Whoop-de-do.

Yet the price is 2.4 cents a litre difference. If Environment Canada says it is only four tenths of a cent per litre, will the minister provide for me the figures that make up that 11 cents a gallon or 2.4 cents a litre difference? Why has the ministry allowed the oil companies to rip off the consumers of Ontario to the tune of \$82 million in the past year?

**Hon. Mr. Andrewes:** Mr. Speaker, I would be glad to provide the honourable member with the figures. I thought that was included in the

response to his question, but in rereading that response, I see those details were not included.

Once again, I think the matter of the price differential between unleaded and leaded gasoline has been discussed in this House before. As I pointed out in my response to the honourable member, the Minister of Consumer and Commercial Relations (Mr. Elgie) did take up this issue with his federal counterpart in December 1982. He asked his counterpart to investigate, in the light of Environment Canada's studies, whether or not the anti-trust legislation was being violated. His federal counterpart wrote back to him on December 29, 1982, suggesting that such was not the case. He said they were not prepared to pursue that issue any further at this time.

I have conferred with the Minister of Consumer and Commercial Relations and certainly we are prepared to pursue this matter once again with the "new" Minister of Consumer and Commercial Relations, the member for Sudbury East.

**Mr. Martel:** This government does not seem prepared to investigate this matter very carefully. Is part of the reason that out of the \$82 million or \$83 million I speak about, this government is grabbing about \$16 million for itself through the ad valorem tax? Will the minister put aside the government's own self-interest and investigate whether that 11 cents—which has crept up from five cents—is justified or not?

**Hon. Mr. Andrewes:** I think it is unfair to suggest we have any self-interest in this whole debate at all, other than to serve the constituency of the province properly. The fact that the differential does exist is due to the method by which the tax is collected. It is collected on an ad valorem basis and I pointed that out in my response to the member.

I would say the Minister of Consumer and Commercial Relations and I are quite prepared to pursue this issue with the federal department that has the jurisdiction under the anti-trust legislation.

**Mr. O'Neil:** Mr. Speaker, the minister says he does not have an interest in it but he certainly does, with all the income the government gets from this tax. The people of this province, and likely the rest of Canada, are fed up with these fluctuating gas prices.

The minister says he is ready to co-operate and pursue this matter. Would he make public how he is prepared to pursue it so gas prices will come down or at least be stabilized? People should not be getting it one day at 20-some cents a litre and the next day at 50-some cents a litre. What is he



prepared to do to pursue this further, not only with the federal minister but also with the Minister of Consumer and Commercial Relations?

**Hon Mr. Andrewes:** I think I responded to that question. The honourable member suggested the people of the province are fed up with fluctuating gas prices. I have not sensed any aversion on their part to taking advantage of the lower prices offered periodically when gas wars occur.

**2:50 p.m.**

**Mr. Martel:** I do not know who starts the gas wars and causes the unrest. The minister tries to make it the responsibility of the federal government but I wonder if he recalls when on July 3, 1975, the Premier (Mr. Davis) made the following statement in the Legislature: "Today the government proposes to introduce an Act to be known as the Gasoline and Fuel Oil Price Freeze Act, 1975."

If the minister had the authority in 1975 to freeze prices, then what in God's name is preventing him today from acting to protect the consumers of Ontario from the gouging that is going on? Those beggars have raised the price between leaded and unleaded from five cents to 11 cents a gallon, ripping us off to the tune of \$80-odd million in the last year. If it could be frozen in 1975, according to the Premier's statement, why does the minister not have the power to do so today?

**Hon. Mr. Andrewes:** Mr. Speaker, I was not here in 1975 nor do I recall the statement the member is alluding to.

**Mr. Martel:** I will send him a copy.

**Hon. Mr. Andrewes:** I would appreciate it very much if he would send me a copy of the statement. I would think, if memory serves me somewhat correctly, that at that particular time there was a rather difficult situation facing this province in that there was an apparent lack of supply throughout Canada of these particular petroleum products.

Perhaps the Premier's statement more correctly alluded to the concern that we might have faced a crisis in supply rather than price and that under those circumstances certain less reputable firms may have taken advantage of that situation to price their product beyond its probable natural return.

#### BARRIE-VESPRE ANNEXATION BILL

**Mr. Breagh:** Mr. Speaker, I have a question concerning Bill 142, the Barrie-Vespra Annexa-

tion Act. I wanted to put it to the Premier, but he is not here. I thought I would put it to the government House leader and he is not here. I thought I would put it to the Minister of Municipal Affairs and Housing and he is not here. I guess I will have to settle for the Deputy Premier.

**Mr. Nixon:** Ask Bette. She knows the answer.

**Hon. Miss Stephenson:** I am not sure I would talk, if I were you.

**Mr. Speaker:** Now for the question.

**Mr. Breagh:** I am trying. These people keep interrupting me, Mr. Speaker, and I am so sensitive.

I would like to ask the Deputy Premier why the government does not simply adjourn this House this afternoon and set up a team of negotiators from the Ministry of Municipal Affairs and Housing to go to the people at Vespra, Barrie and Simcoe county and negotiate the very important financial transaction that will surround Bill 142. They will probably know that is normally the way this type of annexation procedure would be resolved.

Can the minister provide us with an explanation as to why we have on the Orders and Notice a closure motion around a boundary dispute? As far as I can determine, it is the first time in the history of a parliament anywhere in the world that a government has used a closure motion to resolve a boundary dispute.

**Hon. Mr. Welch:** Mr. Speaker, it seems to be in accordance with the proper orders. There is government notice of motion. There will be ample opportunity during the debate of that motion to make the record quite clear with respect to the long period of negotiation that has in fact transpired and the very full debate that has already gone on in this House on this particular issue in the democratic process. Obviously, it becomes part of the democratic process that eventually the House is given the right to vote.

What we are really saying is that in the democratic process against the whole rule of accountability, ultimately to the larger electorate, we should indeed bring this particular matter to some point of resolution and allow the members of this House to stand in their place and vote on this issue. However, I think there will be ample opportunity during the course of the debate to review all these matters which have preceded us with respect to negotiation, understand for over 10 years, and other matters that have been part of the negotiation and discussion for a fairly lengthy period of time.



I would reiterate that the principle is that when matters come before the House by way of resolution, surely we have some obligation ultimately to let the elected representatives of the Legislature vote on the issue.

**Mr. Martel:** It is called confiscation. That is what you are doing.

**Mr. Speaker:** Order.

**Mr. Breagh:** I notice the minister has been joined by some of his colleagues and he may wish to refer the question.

In the name of all common sense, would it not be a more logical process, given the four-month recess, simply to have people from Municipal Affairs and Housing go to Vespra, Barrie and Simcoe and sit around a table and negotiate the financial aspects of this particular dispute? It is conceivable; it is possible; it has been done time and time again. Why in the world would this government move closure on a bill of this nature?

**Hon. Mr. Welch:** Mr. Speaker, in view of the fact the Minister of Municipal Affairs and Housing has returned to the House, and indeed the honourable member made some reference to representatives of his ministry carrying on some negotiations, the matter should now be referred to him to expand on that particular point.

**Hon. Mr. Bennett:** Mr. Speaker, the question is well placed in today's environment. The fact remains that the dispute that has gone on between Barrie and Vespra has been going on for well over 10 years. As the member knows, there have been a number of court cases and Ontario Municipal Board hearings; there have been other negotiations between me and, indeed, preceding ministers representing Municipal Affairs.

I made it very clear back in December of last year when I introduced the bill that we were prepared to sit down and negotiate the financial settlements relating to the boundary adjustment with Vespra. That offer has been on the table. Indeed, Mr. Eric Fleming, the assistant deputy minister, whom the member happens to know, has made the trip to Vespra, has spoken to the clerk of Vespra and has spoken to other members in that particular community in a sincere effort to try to bring Vespra at least to sit down and do some negotiations concerning the financial obligations that both we and the city of Barrie would have in relation to the boundary settlement.

I say very sincerely that we said to Vespra at that time what our intentions were with regard to legislation; I am going back to December 5 when we introduced the bill. We said at the time that we were open for negotiations. We are still open

for negotiations, but we have not succeeded in getting Vespra to sit down and put its position clearly and distinctly before us.

Vespra is of the opinion—with some justification, I guess, because of the way things have gone in relation to this bill—that it will never happen. I only want to suggest we have made it very clear to Vespra that I took the zoning order off after we had introduced this bill to facilitate the further development of the shopping centre to allow for some opportunity for commercial development in that area and to allow for some further employment in a time and in an economy in which things were a little depressed.

I made it very clear that this was the system we were working under. We want Vespra to come to the table; they have not, and I suggest very strongly in this House today that until this bill is passed, the chances of having Vespra come and sit with us appear to be very remote.

**Mr. Martel:** Sounds like blackmail.

**Hon. Mr. Bennett:** No, it is not blackmail.

**Mr. Martel:** Sure it is. If you do not get the bill through, they—

**Mr. Speaker:** Order.

**Mr. Epp:** Mr. Speaker, how in all conscience, in all fairness, in all reasonableness can the minister get up in the House and say he has asked Vespra to come to the table to negotiate with him when not one single time has he put anything before Vespra to negotiate with? He has never in all these months put—

**Hon. Miss Stephenson:** Do not be stupid.

**Mr. Epp:** Why do you not pay attention?

**Mr. Speaker:** Order.

**Mr. Epp:** He has never put a package before Vespra that it could accept or partially accept. All he has said from time to time is, "Come to the negotiating table and we will treat you fairly." He has never put a package there and said, "Look, we will give you \$10 million," "We will give you \$5 million," "We will extend the period of implementation" or anything else.

**Mr. Speaker:** Question, please.

**Mr. Epp:** He has just said: "We are great guys. Why do you not accept what we want to give you? But we will go behind closed doors and kick you in the shins there so nobody can see us."

**Hon. Mr. Bennett:** Mr. Speaker, it appears to me that when you ask somebody to come forward, he comes forward with his particular case. We went to Barrie and Vespra, the member will recall. He will recall this distinctly, I hope, because he defended Vespra's case; at times we



thought he might have been the legal counsel for Vespra in the hearings.

Frankly, we have gone there. We have negotiated the boundaries down from what we originally proposed in the bill. Indeed, we said at the time it would be open-ended so there would be some opportunity for Vespra and others to participate in trying to establish a new boundary line. That boundary line has now been established because of the committee hearings, which I believe we generally accept. The fact remains that I have said to Vespra to come forward with its proposal. It believes it has been done ill by from a dollar and cent point of view. I have said, "Come forward and put your case very clearly to us." At that time we will then negotiate the position.

**3 p.m.**

Whether they want it behind closed doors or open doors I do not care a tinker's darn at all. We are prepared to negotiate with Vespra at any time it comes forward with its package, the same as we have dealt with Innisfil and with Brantford. The member for Brant-Oxford-Norfolk (Mr. Nixon) can tell members very honestly that we have negotiated it time and time again in a fair and honest way from this government's point of view. At the very hearings we are talking about, Innisfil came forward to speak in glowing terms about the fairness, equity and honesty dealt to it by this government in relation to the boundary adjustment between Innisfil and Barrie. I challenge the member to remember that.

To answer one other question about the insufficient time, there have been 10 years, and since December 1983 to the current date, for Vespra to come forward. It has not been a confined period by any stretch of the imagination. There has been a lot of time and many opportunities and a willingness on our side to sit down with Barrie and Vespra to find a financial solution to the problem.

**Mr. Breaugh:** It is very difficult to find on the record when this government has negotiated with Vespra township, save for one occasion between December and now. On one occasion this government attended a meeting for purposes of negotiating.

The reeve of Vespra township is sitting in the gallery with his council, as he has on most afternoons during the course of the debate. Would it not be a more sensible proposition for the minister or some of his staff to agree to a set of negotiations to resolve these financial problems, rather than have this House go through a long

procedural wrangle, which will happen this afternoon over the debate?

Would it not be a more sensible procedure to have the ministry staff visit with the reeve and his council, set up negotiations for the course of the summer and resume debate on this bill in the fall? If it would make the minister feel any better, I guarantee I will conclude my portion of my brief introductory remarks within 30 minutes.

**Hon. Mr. Bennett:** I can only repeat what I have said already. On December 5, I made it very clear we are prepared to negotiate with Vespra. I do not know where the member gets the idea we have made only one approach. The offer has been open. It has been there on the table. We have invited them to come in.

**Mr. Breaugh:** There was only one meeting and the minister knows it.

**Hon. Mr. Bennett:** The opportunity has been there for Vespra. They know very well it has been. There is no debating that point. The offer has been there on the table. They have had the opportunity to come in and present their case to the ministry. That position will remain even after the passing of this bill. The opportunity for Vespra council to put its case and get a fair and equitable hearing remains, both at the hearing and with respect to the financial settlement.

The member asked whether it had been in a public forum. All these negotiations through the committee, court hearings or the Ontario Municipal Board have been in public forums. Vespra has had a fair and legitimate hearing. We asked Vespra to come. We are prepared to negotiate with them as we did with Innisfil and in other settlements we have made in relation to boundary disputes in the past.

#### TECHNICAL EDUCATION

**Hon. Miss Stephenson:** Mr. Speaker, last week the leader of the third party, the member for York South (Mr. Rae), asked about a rough telephone survey the ministry had conducted. We shared the information that was developed as a result of that survey with the Ontario Secondary School Teachers' Federation on June 8 this year. I shall be pleased to share the general findings with the House today.

Of the school boards contacted, 51 reported an anticipated decline in total enrolment in 1984, 2 boards anticipated an increase in enrolment and further 31 anticipated little or no change; 5 boards indicated they would have no redundant teachers in 1984; 36 boards indicated they were at this time—I repeat "at this time"—identifying



673 teachers who might be declared redundant for all reasons, and 22 boards were uncertain.

It should be noted that in our rough survey we did not request any information regarding the anticipated hiring needs of any of the boards. There is only one reason for teacher layoffs, and it is outside our control. That is the declining enrolment within the school system. As of September 1983, in Ontario there were 595,209 students and 34,435 full-time equivalent teachers employed in the secondary schools and in grades 9 and 10 of the separate schools of this province.

For September 1984, we anticipate a further decline in enrolment of approximately 8,000 students, which in turn will call for the employment of fewer teachers. How many of those teachers will not be employed is not known at this time, nor has it ever been known at this time of year.

The reason is that most boards, under their collective agreements, must notify their teachers by May 31 whether their services will or will not, or may or may not, be required in September. I believe that is a very prudent exercise, as stated clearly in most of the collective agreements. There are usually significant changes in teacher staffing needs that are identified between May 31 and the first school day in September.

For example, at this time last year two large boards in Ontario, one in the south and one in the north, declared teachers redundant. The first declared 27 teachers redundant and the second 40.5 teachers redundant. On September 1, the first board that had declared 27 teachers redundant laid off six, and the second that declared 40.5 teachers redundant laid off 13.

In addition, we have learned that up to the end of last week 693 teachers have applied to the Teachers' Superannuation Commission for retirement this spring. Other applications are still coming in. I believe when the regulations are released at the end of this week we will have a significant increase in the number of applications for retirement. I remind the members that 693 is 20 higher than the number of teachers declared redundant by declining enrolment.

#### WASTE DISPOSAL

**Mr. G. I. Miller:** Mr. Speaker, my question is for the Minister of the Environment regarding the International Minerals and Chemical Corp. plant in Dunnville. Will the minister please correct a couple of incorrect statements he made on June 21 when answering my question regarding radiation at the plant?

First, in regard to drinking water, the minister stated, "The level of contamination in the water at that site at the moment does not exceed the drinking water standard guideline established by the province."

My understanding is that the drinking water guideline for radium is one becquerel, which is equivalent to 27 picocuries per litre. However, ministry officials tell me that radium levels in the IMC waste lagoons are between 20 and 45 picocuries per litre. Surely this indicates that some levels are well above the drinking water guideline. To give a further perspective, it is miles above the United States drinking water guideline of three picocuries.

Second, the minister stated, "The front line of defence in connection with this whole environmental question is the federal government."

That was a weak attempt by the minister to renege on what is clearly his responsibility. Is it not correct that the IMC waste containing the radiation has primarily been the responsibility of the Ontario Ministry of the Environment, not the federal government? The federal government is primarily responsible for radiation management in the nuclear fuel cycle, not for incidental radioactive waste such as we have at IMC.

I understand the Ministry of the Environment may be negotiating the whole matter of radioactive waste management with the federal government, but that should not obscure the fact that IMC has been primarily Ontario's responsibility.

**Hon. Mr. Brandt:** Mr. Speaker, there are two questions there. I will review the answer to the first one for the honourable member and get back to him. My understanding, and I shared it with the member at the time he raised the question, was that the drinking water standards were not being exceeded as a consequence of the wastes from that site. I will check into that further.

With respect to the second part of the question, the member is absolutely wrong. The reality is that low-level radioactive waste is, will continue to be for the foreseeable future and always has been a federal responsibility. I call the member's attention to the Malvern soil problem where the federal government has taken the lead position with respect to the radioactivity levels in that soil.

**3:10 p.m.**

We co-operate with the federal government, where possible and when we are able to, in cleaning up a site, monitoring a site or assisting with the information. I have indicated, both publicly in this House and outside this chamber



in private conversation with the member, that my staff will continue to monitor that situation to make absolutely certain that if a cleanup is necessary the company will be held responsible for the cleanup.

The member is aware there is going to continue to be a transfer station on that site, at least for the foreseeable future. The company indicates it may well want to reopen the site for future use.

Having said all of that, the reality is that once again I have to point out that with our co-operation, the responsibility for radioactive waste right across this country, and there are no lines of delineation, no points of separation as to low- or high-level radioactive waste, is a federal responsibility.

**Mr. G. I. Miller:** I still say it is the minister's responsibility. He has been policing the waste lagoon site. I feel that in order to protect the people—

**Mr. Speaker:** Question, please.

**Mr. G. I. Miller:** —and the water quality in that area, he does have responsibility.

Why is the minister dodging my questions and why is he stonewalling on the issue? I will repeat my questions in the hope that I can get a straight answer from the minister. Will he table all studies and reports on the IMC waste lagoon and radiation problems done by the ministry, a consultant for the ministry or by the company at the request of the ministry? Has there been any contamination of the Grand River from the IMC lagoon radioactive waste? Were radioactive hot spots found in the plant, and what were the effects on the workers?

**Hon. Mr. Brandt:** That is a whole series of questions from the honourable member. I do not know which one of three or four he wishes me to answer, but I have to take very strong exception to the member suggesting I am stonewalling, dodging his questions or not responding to him in a direct fashion.

I have shared with him all the information I have. When I do not have the answer, I have indicated that once my staff provides me with the details of the condition of that site I will share that with the member, either on a direct basis from my office to his office or here in the House, but in no way am I withholding any information from him.

I have not been advised of any hot spots on the site. I do not have an epidemiological study on the health of the workers. That may be a question he will want to address to some other minister, but it is not my responsibility. I do not make health studies.

Let us be sure of the role I play. The member is already confused as to the role of the federal government in low-level radioactive waste. There seems to be some confusion on his part and I have been trying desperately to explain this question on a number of occasions. I will try to explain it again today. Low-level radioactive waste is a federal responsibility. Health studies are not the responsibility of my ministry.

#### USE OF DEREGISTERED PESTICIDE

**Mr. Charlton:** Mr. Speaker, I have a question for the Minister of the Environment. It relates to spraying at Hostess Food Products farms in Tiny township and to a study recently released by the federal government. I assume the minister is aware of the cancer study done by the federal government, a limited study which looked only at cancer deaths in Tiny township. The minister should be aware it showed significantly elevated levels of death from lymphoid cancer in males, a disease which in a number of other studies has been related to pesticide use.

As a result of this, so we can provide the maximum protection to the people of Tiny township, is the minister prepared for this summer and for the future, at least until we can get this issue resolved absolutely, to stop the aerial spraying at Hostess and to restrict spraying on those Hostess farms to ground spraying as opposed to aerial spraying?

**Hon. Mr. Brandt:** Mr. Speaker, not at this time. In my view, the conclusions arrived at in that study are not as conclusive as the honourable member would like to suggest. It is a very small and limited study that does not really reflect—and I think he agrees with that; I am not trying to take issue with the detail of the study, but it does not give an accurate reflection of the true impact of the spray on that area.

The pesticides or herbicides used in this area are approved by the federal government and reviewed by my own Pesticides Advisory Committee, and at this point it has indicated to me that it does not have a concern about it. I am concerned, however, about the drift of the spray offsite to neighbouring farms, which has occurred in some areas in the past, and I do not mind at all tightening up the procedure with respect to that concern.

At this point it would appear, from all the information I have and from the best scientific minds I have put on this problem, that the product being used is totally safe.

**Mr. Charlton:** Would the minister be prepared at least to do some follow-up on this



study—and he is correct, it is a limited study—which was done; first of all, by investigating some indications of cancer problems among Hostess employees; and to do a survey of the residents of Tiny township so we can know actually whether there are enough incidents of particular kinds of cancer or patterns emerging that might warrant a full health study?

**Hon. Mr. Brandt:** I certainly appreciate the suggestion of the member. I will review that study with my staff in more detail to determine whether or not any follow-up is necessary.

I have also been advised that one of the pesticides that was used in this area was Temik—I believe that was the brand name—and it was one of the ones under some suspicion. The Hostess potato chip company has voluntarily agreed to withdraw use of that chemical for this year, 1984.

In addition to that—and this is in part as a result of its wanting to be perceived to be, as I believe it is, a good corporate citizen—it has held a number of meetings with the neighbours surrounding its area of immediate interest. In fact, it has not, to the best of my knowledge, even had a complaint since 1982.

The reality of the situation is that I believe the company is bringing it under control, but I will certainly follow through on what the member suggests and look into the matter further, particularly in the context of the health study he has brought to my attention.

#### RELEASE OF GOVERNMENT DOCUMENTS

**Mr. Epp:** Mr. Speaker, I have a question for the Minister of Municipal Affairs and Housing. The minister is probably aware that last week during estimates I asked for the management by results abstracts, and he indicated at the time that these abstracts were confidential cabinet documents.

The minister may be aware that the Minister of Consumer and Commercial Relations (Mr. Elgie) has made his abstracts available to our party and the Minister of Correctional Services (Mr. Leluk) has indicated that the abstracts for his ministry are available.

What is it about the abstracts of the Ministry of Municipal Affairs and Housing that distinguishes them from the those of other ministries and makes the minister feel they are confidential cabinet documents?

**Hon. Mr. Bennett:** Mr. Speaker, I expressed at the time of the estimates last week that I thought they were confidential documents, they

were internal documents of the ministry and I was not prepared to release them. That is my opinion.

**Mr. Epp:** Mr. Carman, the Secretary of the Management Board, has indicated that each minister is at liberty to make these available to the opposition parties and that they are not confidential documents. Why does the minister insist they are confidential cabinet documents when the secretary and other ministries say they are not confidential documents? What is he trying to hide from the people of Ontario?

**Hon. Mr. Bennett:** I have already answered that in the answer to the first question.

3:20 p.m.

#### SUNCOR MARKETING PRACTICES

**Mr. Breagh:** Mr. Speaker, I have a question of the Minister of Energy. How does the minister justify his government's financial involvement in Suncor when the corporation is now in the process of putting out of business an independent operator who operates four stations employing 16 people in Manchester, Brooklin, Raglan and Orillia, and who is now, in the middle of a gas price war, faced with absolutely no suppliers because Suncor, and the other villain in the piece, Petro-Canada, refuse to provide him with any kind of price support system at all?

The effect of this is that a company such as Suncor, which has a large share of government funding, is functioning in the marketplace just like any other energy bandit. How does the minister justify that?

**Hon. Mr. Andrewes:** Mr. Speaker, I am not aware of the situation the member for Oshawa has alluded to, but I will only caution him that this government's involvement in Suncor does not pre-empt it from operating in a way that is compatible with the community it serves, and certainly in taking normal business decisions it is not separate and apart from any other organization in that respect.

**Mr. Breagh:** The minister may be aware that Imperial Oil, for example, in a recent court decision under the Combines Investigation Act, was found guilty and fined. This practice was contrary to the Combines Investigation Act. It would appear that in this instance an independent operator, Ron Davidson is his name, who operates these four service stations, is in precisely the same set of circumstances as those which led to that previously upheld violation of the Combines Investigation Act.



How can the minister justify using our tax dollars to go into a company such as Suncor when it continues to operate in the marketplace in a manner that is in violation of federal combines legislation? How does he justify that?

**Hon. Mr. Andrewes:** If they are indeed in violation of federal statute, they will no doubt in the fullness of time suffer the consequences of that violation.

### HOSPITAL BEDS

**Mr. Sweeney:** Mr. Speaker, I have a question of the Minister of Health. The minister will recall that on November 15 and December 8 this past session, I raised questions in this House with respect to further bed allocations to the Kitchener-Waterloo area. He will recall that this request and the number of beds needed had come as a result of a local health council study. The minister rejected that request. As a result, at that time and continuing today, people are being sent home because they cannot have the surgery they need done at the time.

Is the minister aware that the most recent budget of the Kitchener-Waterloo Hospital has resulted in a further reduction, not an increase, of 41 surgical beds? Is he prepared to accept that? What are the people of my area supposed to do to protect themselves? The local health council says we need more beds, and the minister's budget allocations result in a further reduction of 14 beds.

**Hon. Mr. Norton:** Mr. Speaker, first, I do not believe it is correct to describe my having rejected the report the honourable member refers to. The fact is, since the time of the questions he refers to, I have not been in a position to make any allocations with respect to beds anywhere, other than in one instance with an allocation of extended care beds, although I have a request at the moment for an additional allocation for this year and I hope we will have a positive response on that.

With respect to the budget of the member's hospital, to be perfectly honest, I would have to review it in some detail to be sure of the specifics. To the best of my knowledge, our allocations during the course of this past year did not reduce allocations so as to require in any way the closing of beds.

It might possibly be—and this is something I would like to check out both with respect to reviewing the hospital's budget information and also in some discussions with our area team—that the hospital took certain initiatives on its own with respect to beds that were not anticipated or

required by us, either as a result of our allocation or by any policy decision. It would not be the first time a hospital has done that. I am not making that as an allegation, but I would be very surprised, because we are not in the business these days of cutting back on budgets. Budgets are very tight, I admit, but we are not cutting back.

**Mr. Sweeney:** I am quite sure the minister is not deliberately setting up a budget so that this will happen, but that is the end result. I can give the minister just a couple of details which I hope will perhaps encourage him to meet with the members of our hospital board and go over these

He will probably be aware that the total increase for our hospital is 7.8 per cent, but with that the hospital has to cover increases for medical and surgical supplies of 15.5 per cent. Increases in salary, of course, are held at five per cent. That is not what we are talking about. However, the increases in salary benefits are of this size: 12.5 per cent for Canada pension, 10 per cent for unemployment insurance and 31 per cent for workers' compensation.

I have one other point. The operation of the computerized axial tomography scanner at Kitchener-Waterloo Hospital is going to cost \$375,000 more than the ministry is allocating for its cost—

**Mr. Speaker:** Question, please.

**Mr. Sweeney:** —and \$250,000 more than the ministry is allocating is going to have to be spent for kidney dialysis, heart pacer implants and chemotherapy for cancer.

The point I am trying to make is that to meet those necessary costs, the 7.8 per cent increase the minister is allocating is simply not enough. Equipment purchases and upgrading of the building have been eliminated for all practical purposes, and \$500,000 has been taken out of the reserve that was to be used to buy new equipment.

**Mr. Speaker:** Question now, please.

**Mr. Sweeney:** The obvious question is: is the minister aware of the increased costs that the hospitals are necessarily facing, that his grants are simply not enabling them to meet those costs and that, therefore, they have no alternative but to close down further surgical beds?

**Hon. Mr. Norton:** I think the member should do some careful mathematics. I am not going to refer to specific figures because I do not have them before me. If he takes five per cent for salaries and wages and looks at the fact that there is an overall increase at his hospital of seven per



cent or whatever it is, then in the total spectrum that is not bad. There are hospitals in this province that get less and are coping very well under the circumstances.

**Mr. Sweeney:** Other than salary.

**Hon. Mr. Norton:** If the member looks at those specific items outside of salary and wage benefits, that is not too bad.

He talked about the package of benefits. That is a problem that every hospital has to deal with. His hospital is not in any better or worse situation than any other in the province in that respect. With respect to the specific examples the member used, such as for the CAT scanner, the policy is identical across this province with respect to the costs of operating a CAT scanner—I presume the member was talking about operating one, because we do not pay the capital costs. If his hospital's costs are that high, it should take a very careful look at why they are that high because, generally speaking, we pay 50 per cent of the cost, up to \$150,000 a year.

If the member says his hospital's costs are \$300-and-some thousand above that—

**Mr. Sweeney:** Above the \$150,000.

**Hon. Mr. Norton:** Yes—in that case, I think there is good reason to review the cost of operating that piece of equipment at the hospital. The fact is that, in this day and age, we require of every administration in the hospitals across this province some very tough examinations of its operations and expenditures. The simplest way that some choose to pare their expenditures is by trying to close beds. That is not acceptable. Better management practices are necessary, and if the hospitals are unable to do it, we are prepared to provide them with assistance by putting in people who will give them that assistance. I hope the member's hospital, like others, will try to do it through its own administrative staff before we have to do that.

3:30 p.m.

If there are specific problems such as increases in work load or in costs of life support systems, those things are dealt with in our formula during the course of the fiscal year. That will be taken into consideration. They may be anticipating problems they have not yet experienced; I do not know. I would certainly urge that they look to areas in their budget other than beds to make their savings because that is just not acceptable.

## PETITIONS

### COLLEGE OF LICENSED PRACTICAL NURSES

**Mr. Kerrio:** Mr. Speaker, I wish to table a petition which reads:

“To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

“We, the registered nursing assistants of Greater Niagara General Hospital, wish to express our deep concern regarding the current undertaking of the Ontario Association of Registered Nursing Assistants to establish a separate nursing college: the College of Licensed Practical Nurses.

“It is our feeling that nursing at this time is at a critical crossroads and that a separate college will further dilute the scope and thrust of nursing.

“There are problems within the current system. We feel we can only resolve these through a continuing process of working together. Only by working together with respect for each other's ability can we achieve what should be our common goal, that is, to deliver safe and competent care to the people of Ontario.”

## FUNDING OF UNIVERSITIES

**Mr. Allen:** Mr. Speaker, I wish to table a petition which reads:

“To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

“We, the undersigned members of the University of Guelph Community, oppose the underfunding of universities by the Ontario government. We are particularly opposed to the Ontario government's latest attack on quality and accessible education, the Bovey commission.

“We urge the government to instead adopt a policy of rehabilitation and development of the university system in Ontario.”

It is signed by 1,300 persons from that university.

**Mr. Speaker:** Motions.

**Mr. Ruston:** Mr. Speaker, I wonder if I could have the unanimous consent of the House to present my motion 34 in Orders and Notices?

**Ms. Copps:** Agreed.

**Mr. Speaker:** Order. I must point out to the honourable member that that is out of order, as he well knows.

**Ms. Copps:** He has unanimous consent.

**Mr. Speaker:** I did not hear unanimous consent.

**Mr. Renwick:** Mr. Speaker, you did not hear anybody objecting, I hope.

**Mr. Speaker:** Yes I did, with all respect.

**Mr. Renwick:** There was no objection.

**Hon. Miss Stephenson:** He did not hear unanimous consent.



**Mr. Martel:** Well, no one objected.

**Mr. Speaker:** Order. I will be the one who determines that, please.

**Mr. Martel:** I did not hear one objection.

**Mr. Speaker:** But I did.

**Mr. Martel:** Oh, baloney. You did not hear one voice.

**Mr. Speaker:** That is hardly parliamentary, with all respect.

## INTRODUCTION OF BILL

### EDUCATION AMENDMENT ACT

Hon. Miss Stephenson moved, seconded by Hon. Mr. Wells, first reading of Bill 114, An Act to amend the Education Act.

Motion agreed to.

**Hon. Miss Stephenson:** Mr. Speaker, I am pleased to introduce this amendment to the Education Act, 1984, for first reading. The need for this legislation has been created in part by the proclamation of the Young Offenders Act, along with the repeal of the Juvenile Delinquents Act. These developments provided the Ministry of Education with the opportunity to review our policy for dealing with habitually absent pupils.

After lengthy consultation with our education client groups, we have developed a new policy for truancy which reflects the latest research and the best practices in the field. The amendments reaffirm the basic principles of compulsory education. However, truancy will no longer be an offence under the Education Act as it has been for the last 62 years.

The school board may request a school attendance proceeding in a provincial court family division, much like a child protection hearing under the Child Welfare Act. This would be to determine that the child is refusing to attend school or is habitually absent without being excused under the provisions of the Act.

A breach of the orders of the court triggers the consequences of a contempt of court proceeding with the possibility of a fine or open custody. In other words, it is not an offence to be a truant from school, but if a court issues an order which the pupil refuses to follow, there are consequences.

The amendments continue to recognize a parent's or guardian's responsibility to cause a child of compulsory school age to attend school. The sanctions against these parties have been increased and family counselling and treatment may be recommended to help remove the cause of truancy.

It is the responsibility of school board personnel, including the attendance counsellor and the supervisory officer, to decide whether to prosecute a parent or to initiate a school attendance proceeding. I believe the passage of the Education Amendment Act will constitute a historic development in our approach to compulsory education in Ontario.

## ORDERS OF THE DAY

### TIME ALLOCATION

**Mr. Martel:** Mr. Speaker, on a point of order I draw your attention to the standing orders of the Legislature, page 12, standing order 38: "Whenever the Speaker is of the opinion that a motion offered to the House is contrary to the rules and privileges of parliament, he shall apprise the House thereof immediately, before putting the question thereon, and may quote the rule of authority applicable."

Try as I might, looking in the precedents of this Legislature—save that clause two years ago when the government was able to rewrite the standing orders without rewriting the standing orders—there is nothing on the record in the rules of this House or in the procedure that was tolerated two years ago that allows the motion which is about to be put by the House leader for the government of Ontario.

I believe the rules cannot be rewritten in this fashion the government did two years ago and which it is attempting to use as precedent now. I put a similar motion which cannot be found anywhere in our standing orders. It makes a mockery of the whole system when a government can try this and a Speaker accepts something which is not part of the rules that govern the assembly.

If the Speaker could, either through the Clerk's office or anyone else, show us where the procedure which the government is about to attempt to introduce is part of the standing orders of this Legislature, then I would be prepared to have it presented. It is not part of our rules.

The Liberal House leader, the government House leader and myself have gone through partial negotiations with respect to rule changes. This is one of the rule changes the government wants. If the Speaker allows the government to introduce this motion, he is allowing it, by motion, to make formal that which we have not been prepared to do through rule changes; that is by the acceptance of this motion which is not part of our standing orders.

It seems to me the Speaker has a responsibility to protect this Legislature against the rewriting of



the rules in such a fashion. I will save further comment until I hear what you are going to respond, but there are a number of things that verge on blackmail in what the government is attempting to do in the motion before us.

3:40 p.m.

I suggest, Mr. Speaker, you have an obligation to protect the minority, the opposition in this House, in that we do not have a standing rule anywhere in this Legislature to allow this. They have in Ottawa because they rewrote the rules; they have in Westminster because it is part of the system. We do not have that rule.

Mr. Speaker, I would beg you not to allow this rule to be presented despite the fact it was put in Orders and Notices on Friday, because it is not part of our standing orders.

Nowhere can we find this procedure except in 1982 when Mr. Speaker then accepted it on Bill 179. We argued then that it should not be introduced. Mr. Speaker, I would ask you to refuse to accept this until you have an opportunity to review where it is that this type of rule exists in either our procedure, in our standing orders or in our precedents, save for two years ago when, in my opinion, it should not have been accepted. I would so ask Mr. Speaker to rule.

**Mr. Nixon:** I have a feeling this House should have adjourned last Friday. I hate getting involved in this stuff.

I suppose the only justification you could have for accepting the motion and I hope you will not accept it, would be rule 37(a) which says, "A substantive motion is one that is not incidental to any other business of the House, but is a self-contained proposal capable of expressing a decision of the House. Examples of such motions are: the motion for an Address in Reply to the Speech from the Throne, the Budget motion, want of confidence motions in allotted sittings, Resolutions, motions for returns or addresses, and motions for the appointment of committees." There is nothing in there that calls for a time allocation motion.

Mr. Speaker, you may recall the lengthy and compelling arguments put to you and your associates when this matter was before the House a couple of years ago. It was clearly stated by the spokesman for the NDP and the spokesman for the Liberal Party that it was clearly not in the projections of those who established the standing orders of this House.

As I recall, you did listen to those arguments. You made a ruling that it was in order. The ruling was appealed and, much as I regret it, your ruling was upheld. I think, perhaps, that is the reference

the honourable member is making; there is absolutely nothing in our standing orders that provides for this except that little aberration a couple of years ago based upon your ruling and your ruling appeal.

I regret very much that because of the inadequacies of the Minister of Municipal Affairs and Housing (Mr. Bennett) and the Solicitor General (Mr. G. W. Taylor) and a couple of other little items, this House is finding itself, after the reasonable date of adjournment, beginning a debate which is going to be something that is not going to be one of our finest times.

Having said that, I hope you will not accept the motion.

**Mr. Renwick:** Mr. Speaker, I would like to speak to this motion. I do not pretend to have followed the debate in detail in connection with the bill with reference to which this motion has been put on the order paper, Bill 142, an Act respecting the City of Barrie and the Township of Vespra.

I do want to ask, as my House leader has done, for your opinion under standing order 38, "Whenever the Speaker is of the opinion that a motion offered to the House is contrary to the Rules and Privileges of Parliament, he shall apprise the House thereof immediately, before putting the question thereon, and may quote the rule or authority applicable."

I want you to take a couple of matters under very serious consideration. One I need not elucidate because the two members who have already spoken have dealt with that question; there is nothing in our rules with respect to the allocation of time, nothing in our rules with respect to the closure of debate, nothing to lead one to believe that one can analogize to what has taken place in the House of Commons at Ottawa or Westminster whereby, in the orderly processes of the procedural changes in the rules of those assemblies, time allocation of one kind or another is part of the rules of those assemblies.

I want to say to you, sir, at the time you made your ruling on the motion with respect to Bill 179, when the government moved a time allocation motion with respect to the process under that bill in this assembly, you could not have known the consequences of the decision you made with respect to the effect of that bill on the people of the province and what has happened since that time.

In that case, we were asked to pass a bill that was arbitrary in nature. That is similar to the bill before the House and that has led the government



to introduce this motion. It is an arbitrary bill. Bill 179 was arbitrary, simply because it overruled the collective arrangements, the contracts, if you will, between certain employees and their employers. As I say, you could not have known what would happen to that bill and how correct the position of the opposition was when we placed before this assembly, time and time again, the question of the arbitrary nature and the unconstitutionality of that bill.

The rights of people under collective bargaining agreements are still up in the air. You may not be aware, sir, but I am quite certain it is available to you in your consideration of this matter, that the case of Service Employees International Union versus Broadway Manor Nursing Home was decided in the Divisional Court of the Supreme Court of Ontario adverse to the government in substantial aspects on matters that were argued in this House when the debate on those matters was cut off by a government motion of closure and of allocation of time.

In that instance we in the opposition were trying to protect the rights of people under contractual arrangements against the arbitrary action of a government that had gone a little bit crazy in its interpretation of the economic life of the province. The Service Employees International Union case is only now being argued in the Ontario Court of Appeal on the very questions where substantial parts of it were declared unconstitutional.

We were standing in our place to try to make this assembly understand, so the laws we would pass would not be tinged with that arbitrariness which is being dealt with at present in the courts. When the rights of people under contractual arrangements in the province have been in abeyance for something more than three years, or close to three years, and it will be well over three years by the time this constitutional matter is decided in the courts, you should not, in making your decision on the motion in front of us, take that ruling which you made, and for which you could not foresee the consequences, as a precedent of any kind.

I am asking you to abolish that precedent from your mind, simply because it has been shown that when a legislative assembly, under a closure motion, passes an arbitrary act, people's rights are in abeyance for a long period of time because of the arbitrariness of that act. That is what was wrong with it. A contractual arrangement was being severed and renegotiated by an act of this assembly and we said that was wrong.

**3:50 p.m.**

I want to analogize and say that in the field of property, which is near and dear to the heart of the Conservative Party that governs this province, far more so than the rights of working people under collective agreements, the rights of property are what are being dealt with in this bill by the arbitrary act of the bill proposed by the government. Again, sir, you cannot foresee the consequences of that arbitrary action, but the lack of wisdom of it, the lack of foresight in connection with this kind of matter is what we should be dealing with.

It has been a part of the fundamental nature of this province that matters between two municipalities, regardless of the overriding authority of this assembly, should not be dealt with in any way by the arbitrary action of the government coming down on one side of that issue. Let us not pretend it is not an arbitrary action, because we have this unbelievable statement in section 2 of the bill: "On the first day of July 1984 the portion of the township of Vespra described in the schedule is annexed to the city of Barrie."

**Mr. Martel:** Confiscation.

**Mr. Renwick:** It is just an arbitrary act of the government with respect to that matter.

Let me point out what the government has said in section 4: "The city shall not apply for the annexation of any further lands in the township of Vespra before the first day of January 2012 unless the township agrees to such annexation." Saying that somehow or other this will not happen again until 2012 is supposed to make it palatable now to take an arbitrary action with respect to the annexation of that property to Barrie.

All I can say is that the members of the government sitting for the areas that are affected by this bill, and you, Mr. Speaker, cannot in good faith allow the government to act contrary to the rules of this assembly.

It cannot be argued that it is in accordance with the rules of the assembly because, with the illusory precedent of that other occasion, no subsequent change has been made, and there has been ample time to change the rules if the assembly had decided to do so. If the government had wanted to change the rules, it had the power to do so. It did not do that; the process was ignored.

I am simply saying that, in my submission, it is not in the rules of the assembly; that although there has been ample time, the fatuous so-called precedent the government is relying on, of making it within the rules and privileges of this



parliament three years ago, has not in any way come forward in an orderly process to be included in the rules of the assembly; and that you, Mr. Speaker, could not have foreseen the disastrous consequences to the rights of people in the province because the law the government passed under the closure rule last time was unconstitutional, was arbitrary and destroyed those relationships.

This bill touches real property, transfers the title of it from the township of Vespra to the city of Barrie, and that is an arbitrary act. These are matters that should be negotiated by Vespra township with the city of Barrie, and if there is any necessary approval to be given by legislation, it should follow after that kind of negotiation.

Mr. Speaker, there is nothing I can say in support of a ruling on your behalf that this motion, which the government House leader will be putting before us, is anything other than in contravention of the rules of this parliament.

**Mr. Speaker:** Thank you. In addressing myself to the point of order that was raised, which had been raised before, I think my role in this particular matter is limited to deciding whether the motion is in fact in order or out of order.

The motion was made on Friday. It is a substantive motion. It appeared on the Orders and Notices, and I do not have any alternative but to accept it as being in order.

**Mr. Martel:** Mr. Speaker, if I might—

**Mr. Speaker:** I cannot—

**Mr. Martel:** All right, then, I will challenge your decision.

**5:37 p.m.**

The House divided on the Speaker's ruling, which was sustained on the following vote:

#### Ayes

Andrewes, Barlow, Bennett, Brandt, Cousens, Cureatz, Davis, Dean, Eaton, Elgie, Eves, Fish, Gordon, Gregory, Grossman, Harris, Javrot, Hennessy, Hodgson, Johnson, J. M., Jones, Kells, Kennedy, Kolyn, Lane, Leluk, McCaffrey, McCague, McEwen, McLean, McNeil, Mitchell;

Norton, Piché, Pollock, Ramsay, Rotenberg, Scrivener, Shymko, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Timbrell, Treleaven, Walker, Welch, Wells, Williams, Yakabuski.

#### Nays

Allen, Breaugh, Bryden, Cassidy, Charlton, Conway, Copps, Edighoffer, Epp, Haggerty,

Johnston, R. F., Kerrio, Martel, McGuigan, Miller, G. I., Newman, Nixon, O'Neil, Renwick, Riddell, Ruprecht, Ruston, Swart, Sweeney.

Ayes 50; nays 24.

Hon. Mr. Wells moved, seconded by Hon. Mr. Eaton, resolution 8:

That notwithstanding any order of the House, the House sit for the consideration of government business, afternoons and evenings Monday to Thursday and Friday until 1 p.m. until further order and that the consideration of Bill 142, An Act respecting the City of Barrie and the Township of Vespra, by the committee of the whole House be concluded not later than 5:45 p.m. on the first sessional day following the passage of this motion unless such a day be Friday, in which case the conclusion of the consideration will not be later than 5:45 p.m. on the following Monday, at which time the Chairman will put all questions necessary to dispose of every section of the bill not yet passed, and the schedule, and to report the bill, such questions to be decided without amendment or debate; should a division be called for, the bell to be limited to 10 minutes;

And, that any debate on the question for the adoption of the report be held in the evening of the sessional day on which the bill was reported and be concluded not later than 10:15 p.m. on that day, at which time Mr. Speaker will interrupt the proceedings and put the question for the adoption of the report without amendment or further debate and if a division is called for, the bell to be limited to 10 minutes;

And, further, that the bill be called for third reading debate on the sessional day following the adoption of the report and be completed not later than 5:45 p.m. on that day unless it be a Friday, in which case it will be completed not later than 12:45 p.m., at which time Mr. Speaker will interrupt the proceedings and put the question without further debate and if a division is called for, the bell to be limited to 10 minutes;

And, finally, that in the case of any division in any way relating to any proceedings on this bill, the bell be limited to 10 minutes.

**Hon. Mr. Wells:** Mr. Speaker, I would like to lead off on this motion. I am happy you found it in order because it is very similar to one made in December 1982. As the member for Riverdale (Mr. Renwick) argued on the relative merits of the motion and whether or not it was in order, he referred to some of the dire consequences that supposedly had flowed from the House's action in 1982.

**Mr. Martel:** Ask the Treasurer (Mr. Grossman).

**Hon. Mr. Wells:** I would be happy to ask him, because it cannot be denied. In saying this, I do not deny there are still cases before the court and there are cases that still have to be settled. No one in this House can dispute that as part of a total recovery package, that piece of legislation helped Ontario to recover in a better fashion than any other province in Canada.

**Mr. Martel:** Is that why it is now before the courts? The government House leader lost there. He believes it.

**Hon. Mr. Wells:** In the total scope of things, the compassion of this province and the acceptance by the great majority of the people of the province, with some degree of restraint—

**Mr. Martel:** Tell it to the three quarters of a million people not working.

**Hon. Mr. Wells:** No, listen, it allowed the people of this province, along with their government, to beat one of the toughest recessions in many years.

**Mr. Martel:** Tell it to those who are still unemployed.

**Hon. Mr. Wells:** Ontario is now at the top of the list of the provinces that have recovered in this country.

**Mr. Martel:** Tell that to the 17 per cent in Sudbury who are out of jobs.

Interjections.

**Hon. Mr. Wells:** It is nice to hear the member talk about that, but that really is irrelevant to what we are talking about today. We have a very logical motion that is accepted and has been used a number of times in other parliaments. It is used regularly under the standing orders in the House of Commons. It is used at Westminster. It is used when, after full and adequate debate, it is decided the House must set some limits so the business of the province can carry on.

I want it to be very clearly put on the record. During the debates in 1982 and 1983 where we brought forward similar motions, I well remember the member for Sudbury East (Mr. Martel) saying: "Do not go this way. Do not bring in time allocation. Use rule 36 because you have the power. We already have a closure device in our rules; use that."

On this side, we will be quite happy to use rule 36 if the member will ask the member for Oshawa (Mr. Breaugh) to stop his filibuster on this bill.

The member for Oshawa, after standing up and we went into committee of the whole House to study of this bill, said he had only a few very short opening remarks. Nine hours later he is still reading letters and repeating himself.

**Mr. Epp:** The government House leader filibustering.

5:50 p.m.

**Hon. Mr. Wells:** I am not filibustering. All I am saying is, if members want to assure us they will conclude their remarks and we can carry on in an orderly committee of the whole stage, we will be very happy to carry on and use the existing standing orders. But they will not do that.

We now have a bill that was introduced in December 1983. It passed second reading in the House after a debate of two and a half hours. It was sent to committee, as was the intention, and all those communities and people affected were given the opportunity to come in and meet with the committee of this Legislature. Changes were made in that particular bill and 38 1/2 hours of debate in committee time ensued.

I think members would have to agree that there was a very full, frank, forthright hearing on the bill. That bill, with changes proposed by the committee, was submitted back to this Legislature and we are now in the midst of a filibuster on the bill, during which no other member of the House can get an opportunity to discuss the bill.

In this bill is also a provision that annexation take effect on July 1. I think my friends realize it is much better that a piece of legislation pass before the event occurs. It is very relevant that this bill should be passed before July 1 and the motion outlines a schedule that will allow the House to debate and pass Bill 142 before July 1.

It is a very reasonable motion on a reasonable piece of legislation. There has been full discussion. I see my friends shaking their heads. There is no problem with opposing it. Everyone knows Vespra knows the members opposite are opposed to it. Everyone around the country in those little areas where those members have made it known they are opposed to it, knows those members are opposed to it. They respect them for that and they respect us for what we are doing. But why hold up the public business of this House and the public business of this province?

We have reached the time when, after full and frank debate, we can move ahead.

**Mr. Riddell:** You do not live in a dictatorship. We still live in a democracy over here. We will not stand for a dictatorship. It is called the heavy arm of government.



**Mr. Speaker:** Order, order.

**Mr. Riddell:** You tried it with the imposition of regional government and I have to tell you that in by-elections—

**Mr. Speaker:** Order. The member will please resume his seat.

**Hon. Mr. Davis:** Regional government was your party's idea.

**Mr. Riddell:** Regional government was stopped due to two by-elections. Do not forget it.

**Hon. Mr. Davis:** It was your idea.

**Mr. Riddell:** You are not going to get away with it.

**Mr. Speaker:** The member for Huron-Middlesex (Mr. Riddell) will please contain himself. Order.

**Mr. Martel:** Dictatorship? Is that part of the rules? Is that a new rule or what?

Interjections.

**Mr. Speaker:** Do you want me to quote it to you?

Interjections.

**Mr. Speaker:** Order, order.

**Hon. Mr. Wells:** Why do my friends in the official opposition not have a free vote? If the number who have asked me if they could get out of here tomorrow night have any particular significance, I think they would be very happy to vote on this bill.

**Ms. Copps:** We do not have any knives out in our party.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** Every debate in this House has its significant quotes and I am sure that for years to come that will be quoted to our friend the member for Hamilton Centre (Ms. Copps).

**Hon. Mr. Davis:** "I am not going to carry the can for any of them," he said.

**Ms. Copps:** You just got Peter Lougheed's knife out of your back.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** This motion sets out a very orderly procedure which will allow for debate and a chance to conclude the committee of the whole stage and then we will allow for a philosophic debate on the report and third reading of the bill.

As I recall, in the last motion we put, my friends from the third party prevented any consideration of the committee of the whole stage, where people wanted to make some

practical and perhaps necessary amendments to the—

**Mr. Martel:** Which one are you talking about? Are you talking about Bill 179?

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** I was talking about Bill 179.

**Mr. Martel:** We would do it again if we had the chance.

**Hon. Mr. Wells:** Yes, you would, and you stopped a lot of necessary amendments from being considered and made.

Anyway, we have here a procedure that will allow this bill to be properly debated and dealt with. I would urge the House to pass this motion so we can get on with the business of Bill 142.

**Mr. Nixon:** Mr. Speaker, as I read the motion, if the government House leader proceeds with the usual heavy-handed approach that he takes to all House business—

Interjections.

**Mr. Nixon:** —we can see him, and God forbid, moving closure on this motion—that is, the previous question—let us say this evening at 10 o'clock. That means that putting this time scale into effect will see, as a result, the third reading debate being concluded on Wednesday before six. We certainly do not want that to happen, but I thought perhaps I should just point that out to the members, because it is of great concern to all of us here that we are paid for every day, along with the members of the government. As a matter of fact, many of them are paid double and then some, whether the House sits or not.

Supposing the government House leader, in his usual unco-operative way, goes forward by truncating this debate needlessly later today, it really means that well before any deadline that could possibly be imposed upon Barrie and/or Vespra and/or this bill, the members opposite will be on vacation. Many of the rest of us have very heavy responsibilities in our constituencies and in seeing that the world is fed, but the members over there will climb into their leased jets and go off about their business, whatever that may be, to the four corners of the world.

It concerns me that the last time—as a matter of fact, the time before last—when we gave ourselves a raise as members of this House, it was on the basis that we were full-time members. That is why, Mr. Speaker, you would never hear a member of the Liberal caucus saying, "When are we going to get out of here?" Is that not right?

Interjections.

**Mr. Nixon:** Definitely a misunderstanding. We are prepared—

Interjections.

**Mr. Speaker:** Order. The member for Brant-Oxford-Norfolk.

**Mr. Nixon:** I certainly appreciate that, Mr. Speaker, because the members opposite are giving a very unreliable impression of the fact that the members other than themselves are anxious to get out of here.

We had the business. The honourable House leader for the New Democratic Party and myself worked very hard. We have co-operated to the nth degree with the unreasonable proposals put forward week after week by the representatives of the government trying to put the government business forward, giving ourselves an opportunity in private members' hour to deal with these matters in an orderly way.

We have even agreed to the point of doing away with private members' hour for the last two weeks in order to facilitate government members. The member for Haldimand-Norfolk (Mr. G. I. Miller), who had an important matter to be debated, felt that the greater good would be for the House to consider government business, and

we are prepared to do that. We are prepared to go on tomorrow and the next day.

As I recall, going back to the great days of Tory leadership, in the days of the sainted John Robarts—when we did have a legislative program that meant something; when in fact this House was able to come to grips with and seize on the expanding issues of the time; when we were considered as something other than ciphers in this House; when our views were responded to and appeared as amendments in legislation—those days the Legislature did go on into July. I remember in one great summer it went on in August, which is one of the very good summers that I recall.

The argument that the government House leader is making that somehow or other if this is not jammed through by Wednesday or Thursday at noon, or something like that, the government business will be interfered with is simply not reasonable. We want to make it very clear that on that basis we do not feel the motion should proceed and, if it does proceed, it should not be supported.

The House recessed at 6 p.m.



## CONTENTS

**Monday, June 25, 1984**

### Statements by the ministry

randt, Hon. A. S., Minister of the Environment:

**Ontario Waste Management Corp.** ..... 2811

avis, Hon. W. G., Premier:

**Anniversary of St. Lawrence Seaway** ..... 2809

rea, Hon. F., Minister of Community and Social Services:

**Children's mental health services** ..... 2809

orton, Hon. K. C., Minister of Health:

**Health Protection and Promotion Act** ..... 2812

### Oral questions

ndrewes, Hon. P. W., Minister of Energy:

**Gasoline prices**, Mr. Martel, Mr. O'Neil ..... 2817

**Suncor marketing practices**, Mr. Breaugh ..... 2823

ennett, Hon. C. F., Minister of Municipal Affairs and Housing:

**Barrie-Vespra annexation bill**, Mr. Breaugh, Mr. Epp ..... 2819

**Release of government documents**, Mr. Epp ..... 2823

randt, Hon. A. S., Minister of the Environment:

**Waste disposal**, Mr. G. I. Miller ..... 2821

**Use of deregistered pesticide**, Mr. Charlton ..... 2822

rossman, Hon. L. S., Treasurer and Minister of Economics:

**Employment programs**, Mr. Peterson, Mr. Martel ..... 2815

orton, Hon. K. C., Minister of Health:

**Hospital beds**, Mr. Sweeney ..... 2824

ope, Hon. A. W., Minister of Natural Resources:

**Use of government aircraft**, Mr. Peterson, Ms. Copps ..... 2814

tephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities:

**Technical education**, Mr. Rae ..... 2820

Welch, Hon. R. S., Deputy Premier and Minister responsible for Women's Issues:

**Barrie-Vespra annexation bill**, Mr. Breaugh ..... 2818

### Petitions

**College of Licensed Practical Nurses**, Mr. Kerrio, tabled ..... 2825

**Funding of universities**, Mr. Allen, tabled ..... 2825

### First reading

**Education Amendment Act**, Bill 114, Miss Stephenson, agreed to ..... 2826

### Government motion

**Time allocation**, resolution 8, Mr. Wells, Mr. Martel, Mr. Nixon, Mr. Renwick, recessed ..... 2826

Other business

Members' expenditures, Mr. Norton, Mr. Martel .....	28
Report on emergency shelter, Ms. Copps, Mr. Drea .....	28
Recess .....	28

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)	Andrewes, Hon. P. W., Minister of Energy (Lincoln PC)
Bennett, Hon. C. F., Minister of Municipal Affairs and Housing (Ottawa South PC)	
Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)	
Breaugh, M. J. (Oshawa NDP)	
Charlton, B. A. (Hamilton Mountain NDP)	
Copps, S. M. (Hamilton Centre L)	
Davis, Hon. W. G., Premier (Brampton PC)	
Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)	
Epp, H. A. (Waterloo North L)	
Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)	
Haggerty, R. (Erie L)	
Kerrio, V. G. (Niagara Falls L)	
Martel, E. W. (Sudbury East NDP)	
Miller, G. I. (Haldimand-Norfolk L)	
Nixon, R. F. (Brant-Oxford-Norfolk L)	
Norton, Hon. K. C., Minister of Health (Kingston and the Islands PC)	
O'Neil, H. P. (Quinte L)	
Peterson, D. R. (London Centre L)	
Pope, Hon. A. W., Minister of Natural Resources (Cochrane South PC)	
Renwick, J. A. (Riverdale NDP)	
Riddell, J. K. (Huron-Middlesex L)	
Ruston, R. F. (Essex North L)	
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities (York Mills PC)	
Sweeney, J. (Kitchener-Wilmot L)	
Turner, Hon. J. M., Speaker (Peterborough PC)	
Welch, Hon. R. S., Deputy Premier, Minister responsible for Women's Issues and Minister of Energy (Brock PC)	
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)	



# **Hansard**

# **Official Report of Debates**

## Legislative Assembly of Ontario



**Fourth Session, 32nd Parliament**

Monday, June 25, 1984

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, June 25, 1984

The House resumed at 8 p.m.

## TIME ALLOCATION (concluded)

Resuming the debate on the motion for time allocation of Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

**Mr. Nixon:** Mr. Speaker, at the supper adjournment I was bringing to your attention the fact that I felt the motion before us to allocate time for the completion of the Barrie-Vespra bill was unnecessary since we are not labouring under any time pressure.

The bill does refer to July 1 as the operative date, but we all know if it were to carry even after July 1, which is still some days in the future, the retroactive aspect would apply. We hope the bill will not carry, but even if the government, with its overwhelming majority, eventually had its way, there would still not be any significant inconvenience in the application of the measures in the bill.

I do regret that the debate in this House at the committee stage has been just a bit one-sided. There has been only one speaker from the official opposition and one spokesman from the New Democratic Party. Even at that stage, with only two speakers hardly having had a chance to clear their throats, the government comes in with this time allocation bill.

If this time allocation motion is successful, God forbid, I hope it would be possible to have a fair allocation of the time within the allocation. One party and one speaker should not necessarily use up all the time and the views of a number of members should be expressed in some orderly way. The government should have the benefit of the opinions of a number of honourable members, perhaps even a few who are elected in support of the government itself.

I do not believe this matter should have come this far. The Minister of Municipal Affairs and Housing (Mr. Bennett) and his henchman the Solicitor General (Mr. G. W. Taylor) must accept the lion's share of responsibility for the breakdown in the process that would normally, with moderate people undertaking moderate solutions, lead to the solution for which we would all hope.

The government itself has not attempted to negotiate in any meaningful way with the people in Vespra who are so substantially objecting to this position where the government of the province moves in and hands over the lion's share of their assessment to the nearby city. Comparisons are odious in some respects, but I can only compare this with what we experienced with the city of Brantford and Brantford township.

The present Minister of Municipal Affairs and Housing had other duties at that time, and the then minister and still Minister of Intergovernmental Affairs (Mr. Wells), though he had municipal responsibilities, was able to persuade the two protagonists, as councils, to sit down and work out an agreement.

Some of the loose ends of that agreement have still not been worked out to the satisfaction of all concerned. The minister of municipal affairs would know there are some people involved in that original agreement who feel they have not been treated with complete justice and equity.

He and his officials continue to concern themselves with it, but even under those circumstances, particularly since the change in the leadership of the ministry, there has been a falling off in the feelings that led to the agreement in the first case. As I say, comparisons are odious, but the minister of municipal affairs must surely realize that what was possible in Brantford and Brantford township should have been possible in Simcoe and the Barrie-Vespra situation.

It is true this has been more or less a festering sore for more than a decade. The government, under a number of individuals leading in municipal affairs, has tried solutions involving the Ontario Municipal Board. No doubt it has tried political solutions with the locally elected members. They have been a terrible failure.

We well recall a former minister of municipal affairs, W. Darcy McKeough, who tried to impose his own will on the situation. He sent a letter to the municipal board indicating the outcome of its deliberations that the government of Ontario wanted to see. The members may recall the reference to the Divisional Court that followed that letter. That really threw the whole thing into a costly fiasco.



I do not suppose the people of the province are hanging by their fingertips on the outcome of this debate, or even the outcome of the disposition of the piece of Vespra township that is going to be allocated to Barrie if the government has its way.

There is a mighty principle involved. The opposition at least, and I have a feeling a large number of back-bench supporters of the government, have serious misgivings about the government moving in a matter of local jurisdiction and imposing a solution which is so much against the will of the people who are responsible for the development that is under discussion.

On rare occasions, my wife, my family and I drive up Highway 400, going into the holiday land of the province. From time to time, we cut off into Vespra township to have a hot dog or a meal and to see what is going on in that part of the country. The development has been very impressive indeed. As far as I know, none of that development is permitted without the approval of the master planners here at Queen's Park.

I would think one would find in every instance there is a signature of some minister, even though it may just be a rubber stamp, approving the development in Vespra over these years. It was at their initiative and in some respects at their sacrifice that this development took place. The taxpayers in Vespra township have had the benefit of this additional assessment which assisted the farmers and small businessmen in that area in meeting their local requirements. One can see that when the government of Ontario moves in and wants to take away this large proportion of their assessment and hand it over to the city of Barrie, they have substantial objections.

It is really a wonder to me that the government has not at least tried to sit down with them and point out that over the next succeeding years financial agreements can be entered into which would see that Vespra does not unnecessarily or unduly suffer from the loss of this assessment.

One of the things that made it possible for a similar situation to go on to fruition, if not complete success, in Brantford and Brantford township was the role of the Minister of Intergovernmental Affairs and his officials in laying out the agreement that would at least ease the pain and salve the transition over the five- to seven-year period when the additional costs would normally have to be met from the people on the township side. There have been agreements entered into which have been reasonably successful in that regard.

**8:10 p.m.**

A second reason we should not be proceeding with this is that it is a very rough cure for the diseases brought on the body politic by the Minister of Municipal Affairs and Housing, once again as I said, aided and abetted in this fiasco by the sitting member for the area, the Solicitor General.

Further, I want to say that municipalities across the province do not look on this proposed statute as something of little importance. They are very much afraid if the government is successful in this imposition it will then use the same process to "settle"—I use the word in quotations because it is not really a settlement—the many problems that have been hanging fire for a number of years in many other jurisdictions.

Mr. Speaker, you may be aware of the problem involving the town of Tillsonburg and the township of Norfolk. The town of Tillsonburg is in the constituency of the member for Oxford (Mr. Treleaven) and the township of Norfolk is in the constituency I have the honour to represent. As a matter of fact, the problem results almost entirely from bad decisions made during that period when the Progressive Conservative government of Ontario was imposing regional government on so many of the areas that did not want it. These areas pointed out the problems that would be faced in the future. This is a long-standing difficulty I hope the minister would not dream of settling in a way similar to this so-called Barrie-Vespra settlement.

The municipalities have contacted the minister, the Premier (Mr. Davis) and representatives of the opposition party with well-worked out resolutions expressing their concern at this high-handed action by the minister and his colleagues. These resolutions have been read into the record and, if we have any luck, they may be read in again as the debate proceeds. I understand there are a lot of new resolutions even more forceful in their direction to the government.

Certainly, the last thing the government should use in such a sensitive matter as this is anything approaching closure or the restriction of full and democratic debate. I think the municipalities themselves have clearly indicated to the Minister of Municipal Affairs and Housing that they do not have confidence in his leadership in matters as sensitive and as important as this.

They have expressed their fear that this minister, who has good and successful municipal experience, seems to have forgotten what he learned during those years when he had to deal



with his seniors, so to speak, at the federal level. On more than one occasion he probably felt put upon by regulations, decisions and commands from above, if one may use that sort of geography. Now he finds himself in the seat of the mighty and he is acting as a dictator in imposing this sort of settlement in the situation that is before us.

It is almost incredible that he has not personally seen fit to work out some solution with the parties rather than saying, "If you do not agree with me we will nuke you, and we have the bomb in preparation in the House right now." It seems to be a very strange way to approach what is not really a serious problem at all. After all, Barrie has plenty of room for expansion. The township of Vespra had this development planned on its own initiative, and the people who developed out there are very well satisfied indeed. If anything, in the long run, it is the inadequate policies and leadership of the Ontario government that has allowed this sort of development to take place.

As for me, I see nothing wrong with a municipality that is largely rural in its aspects attracting commercial development, properly planned, within its boundaries. Over the years, the chief planner of the province, who used to be Darcy McKeough—I suppose it is now the Minister of Municipal Affairs and Housing—has had the power to stop such development if he feels it should not proceed. Over those years we have seen shopping developments take place in townships outside Chatham, Woodstock, Tillsonburg, Brantford and so on, right across the province. If this were a bad thing, why, in heaven's name, was it not stopped, or at least controlled?

**Hon. Mr. Bennett:** It was.

**Mr. Nixon:** It was not and it is not.

All of these things have gone on with the sort of development which, in many respects, is very suitable for a rural township that is close to an urban or urbanizing area.

I have often thought over the years, as various planners at the provincial level have wrung their hands saying, "Is this not a terrible thing?" that they had the power to control this sort of development or stop it, rather than allow it to go to the point where the only solution is so draconian that it is bound to establish bad feelings between neighbours which will take a good long time to die down. It is extremely unfortunate.

As I say, the minister, his predecessors and his colleagues must bear the responsibility for these inadequacies in policy and leadership.

I want to express our concern that this sort of motion comes to our table as we are closing down a very lengthy session. If we are going to be reading the comments on this session in the next few weeks, assuming we get out of here by that time, any reasonable, objective observer will say that absolutely nothing has happened this session except the pronouncement from the Premier that he is going to extend separate school aid from kindergarten to grade 13.

As far as we are concerned, this was not a matter for debate in the House; it was just brought forward by the Premier, who made the announcement and then walked out to talk to the press. That is really the only significant thing that has happened here this year.

We have had plenty of time to deal with important legislation. The minister, and the government House leader before him, have said that this was brought in during December 1983, but we have not had any significant time to debate it. They have had committee hearings—that is true—but the debate in the committee stage here in the House has not been extensive.

I do not want to repeat myself unduly when I say it is regrettable that only one individual had most of the time to put his views. I must say just in passing that I do not criticize him for that, particularly since the government appeared to be intransigent in its approach to this thing; so intransigent that they were not even prepared to sit down with the officials from Vespra and work out any sort of rational compromise or something that would at least move towards a solution without this kind of solution.

In talking about the member for Oshawa (Mr. Breaugh), I have heard a lot of excellent extended speeches in this House and his was not the worst. I am afraid that is the best I can do for now.

**Hon. Mr. Ashe:** That is a backhanded compliment if I ever heard one.

**Mr. Nixon:** I cannot do any better than that at this stage. I probably listened to more of it than even he did, and I found it hung together rather well. I heard some criticisms being interjected, I think from the Minister of Government Services (Mr. Ashe) earlier in the day about it being repetitious, but certainly the Speaker and his colleagues who share his responsibilities were never able to significantly pin him on that criticism and the thing seemed to hold together as it went along.

I find I am more easily entertained in here as the years go by and that may account for the fact I was able to listen to his speech probably at



greater length than most of the people sitting opposite.

It is unfortunate that has to be a part of our debating procedure, because in an ideal Legislature members who have an opinion and some background knowledge in an affair such as this should have ample opportunity to express that view. I also agree with those who say that eventually these matters have to be settled by a vote of the Legislature. For that reason, I regret that this motion is put before us because I do believe that eventually, with the efflux of time, and as members one after the other have an opportunity to express either their support or their objection, the House would then by its vote dispose of the matter.

**8:20 p.m.**

Frankly, I have no qualms that if people on both sides truly understood the situation, the bill would not proceed and we would not be in a situation such as we find ourselves at the present time. In summation, I simply say we are not under a time pressure, there is no other significant business with which to deal other than third readings of our pay bill and one or two other footling points.

The July 1 deadline in the bill is irrelevant as far as the application is concerned, if the community should be so unfortunate as to have the bill enacted into law. I feel criticism must be directed at the ministers responsible for allowing it to come to this pretty pass.

Their leadership has been inadequate, both in the short term and the long term, in planning and in assisting local officials in planning their own communities. That is a criticism that has been spoken and reiterated in this House on many occasions. It is as true now as it ever was.

On the government side, they simply cannot seem to get their act together to believe truly in the autonomy of the local community and to provide the kind of leadership that would see that autonomy come to fruition with proper, productive and modern planning.

My colleagues and I regret this motion is before us. We feel that in a modern legislature, with all the devices for leadership that are available to cabinet ministers in this modern age, this sort of draconian action should not be required. We have plenty of time to complete a rational and productive debate in an orderly and moderate way. We certainly will not support the motion. We hope the government will come to its senses, withdraw the motion and allow the debate to proceed normally and fruitfully.

**Mr. Martel:** Mr. Speaker, I am surprised the action of the government. I guess I am more surprised at the comments of the government House leader and at the Speaker. In the standing orders of the Legislative Assembly, standing order 38 says, "Whenever the Speaker is of the opinion that a motion offered to the House is contrary to the Rules and Privileges of Parliament, he shall apprise the House thereof immediately, before putting the question thereon, and may quote the rule or authority applicable."

We have no rule in this Legislature and we have never had a rule in this Legislature for time allocation. It is not part of the standing orders. If anyone thinks it does this House any good whatsoever for a Speaker to be bamboozled by the government—

**The Deputy Speaker:** There are two things that should share with you and with the House. As you well know, the ruling of this afternoon is not debatable. You also know you cannot refer to the integrity of the Speaker or call it into question. That is a simple, basic fact. I ask you to have those two perimeters in mind as you proceed with the debate on this motion.

**Mr. Martel:** Mr. Speaker, maybe you can help me, since you jumped up right away. Maybe you can quote the rule from the standing orders that the Speaker enunciated this afternoon.

**The Deputy Speaker:** Order. With all due respect, that debate has been concluded, as you well know. The debate on whether it was in order for this resolution to come before this House has been decided by this House. We are now dealing with resolution 8. The debate is legitimate provided you avoid calling into question the integrity of the Speaker. There was a comment that could have been interpreted that way. I cannot permit that.

**Mr. Martel:** Mr. Speaker, you or the person who occupied the chair before you allowed the government House leader, the Minister of Intergovernmental Affairs (Mr. Wells), to make his comments with respect to the appropriateness of the ruling this afternoon. I am going to come back on that.

I am quoting a rule that says we have the right to be afforded the protection of the Speaker in this Legislature. I am stating categorically that the Speaker cannot quote a rule in the standing rules and procedures that says we have a time allocation motion.

He can jump up out of his chair as many times as he wants, but we do not have that rule. He can say I am wrong until hell freezes over, but we still do not have the rule. He can quote Ma



Beauchesne or all of them. In the House of Commons in 1980, 1981 or 1982 they established standing order 75A, 75B and 75C which allow that to occur. At Westminster they have a procedure for it. We have nothing but a precedent that was allowed two short years ago.

Let me go on, Mr. Speaker. When the government House leader rose in his place this afternoon and said the House leader for the New Democratic Party had said there had to be a resolution to these matters, I agreed. What the government House leader failed to tell us, though, was that I agreed that since the last occasion on which this occurred, if this government had wanted to introduce changes in the standing orders, we were prepared to accept time limits on speeches—45 minutes, to be precise.

If the government in the two intervening years had been prepared to bring that standing order in, at the end of 45 minutes the time allocated to my colleague the member for Oshawa would have evaporated. But the government chose not to bring the rule change in and preferred to force the Speaker to make these silly rulings to substantiate its position.

**The Deputy Speaker:** Order. Please take your seat. We are headed for trouble. First, you are out of order in debating the ruling. Second, you cannot impugn the integrity of the Speaker.

**Mr. Martel:** I am not. I am speaking to the motion.

**The Deputy Speaker:** If you wish to proceed with legitimate debate, I remind you for the last time that those are the perimeters you must not touch.

**Mr. Martel:** The motion before us is a time allocation motion, which is not part of our standing orders. You can argue as much as you want; it is not there, all right?

**The Deputy Speaker:** That is fine; you have made your point. I am simply stating again that this matter has been settled; it was settled this afternoon. So I ask you to return to the resolution, if you would.

**Mr. Martel:** I did not see anyone interfere when the government House leader got up this afternoon and indicated to this House that I suggested there had to be a way to bring these matters to a resolution. He did not bother to go on to suggest to you that I had agreed we could have time limits on all speeches. He neglected to mention that he had agreement from this House leader to see a change in the standing orders that would limit the speeches to 45 minutes for back-benchers. He neglected to tell the House

that. I resent that, because the member for Oshawa would not have gone eight and a half or nine hours; he could only have gone 45 minutes.

The government has not seen fit to change the standing orders since the last time we had a time allocation motion, and the time allocation motion is not part of our standing orders. So when I say it rules by motion, what else should I say? It has things that are not standing orders in this Legislature, and because it has the numbers, it can force it through whether it is part of the standing orders and procedures of this Legislature or not; it just forces it through by numbers. Is that the way to play the game?

We have rules and procedures in this House to try to make it work. There are at least four or five pieces of legislation that were not slated and were not on the government's priority list. My friend the Liberal House leader and I agreed to get those bills through even though they were not on the government's list of priorities. We accommodated the government House leader so we could get that business done; we did not have to, but we did.

**Hon. Mr. Gregory:** You are all heart.

**The Deputy Speaker:** The member for Sudbury East has the floor.

**Mr. Martel:** We could very well have said no to the former whip, and we could have debated Barrie-Vespra all that time, could we not? When the government presents a list of the bills it wants through, we believe that is the list. It is strange. Year after year, whether it be June or December, there are always four or five extra bills at the end that the government wants, although they are not part of the government's list when it comes with its final list.

**8:30 p.m.**

We accommodate the government and try to get them through because the government needs them; so let the members opposite not pretend there is no sense of co-operation among the House leaders to make the joint work. But when the government comes in with this sort of thing and the government House leader only gives half of what has transpired at House leaders' meetings, then it is a one-sided story. I suspect there is not a minister, outside the government House leader, who was aware we were prepared to put 45-minute speaking times on all back-benchers.

**Hon. Mr. Wells:** That is wrong. They all are.

**Mr. Martel:** They all are. I see them all nodding in assent. When the House leader came in with that nonsense this afternoon, it was quite obvious they did not know. Nor are they aware



the government House leader presents a list of the legislation he wants done. Then to compound it, he adds absolute blackmail to the game, because the motion says we will sit Friday.

There was a federal Tory convention just about a year ago. It had nothing to do with this Legislature.

**Hon. Mr. Wells:** It was to elect the next Prime Minister of Canada.

**Mr. Martel:** I do not care what it was for. A federal convention does not operate in this jurisdiction and this House did not sit on that occasion.

Interjection.

**The Deputy Speaker:** Order. We are listening to the member for Sudbury East.

**Mr. Martel:** When that convention was on, the member knows where he wanted to be. Where was that, Buddy-boy?

**Hon. Mr. Ashe:** We were not holding things up for the member's party.

**The Deputy Speaker:** Order.

**Mr. Martel:** The House adjourned for Tory and Liberal conventions.

**Hon. Mr. Gregory:** I will be glad to be here all summer.

Interjections.

**The Deputy Speaker:** Order. All members know our rules include specific direction about abusive language and language that can incite, so all members should return to legitimate debate. You can criticize without that kind of language. The interjections are not necessary.

Let us not say anything, because the member for Sudbury East has the floor.

**Mr. Martel:** To correct the record, I want to say the Conservatives wanted that day off to attend their federal convention. We have a convention this Friday in Hamilton.

**Mr. Kerrio:** Which phone booth?

**Mr. Martel:** I do not care where it is held. We also accommodated the Liberal members just a couple of weeks ago, or did the member for Niagara Falls (Mr. Kerrio) forget?

**Mr. Kerrio:** No, no. I had important business.

**Mr. Martel:** No. The member has a good memory but it is short—about that long. He had important business.

**Hon. Mr. Ashe:** Short memories.

**Mr. Martel:** Yes, he has a good memory but it is short. Two weeks ago this House adjourned on Thursday and Friday so those members to my right could attend their convention. We have a

motion before us, and it is interesting the member for Durham West (Mr. Ashe) said last week in one of his interjections: "You will not be able to get to your convention on Friday. We will sit on Friday."

**Hon. Mr. Ashe:** Good idea.

**Mr. Martel:** That is a good idea, right. It is called blackmail. He can put it any way he wants. We have advanced four or five or six pieces of legislation that were not on the government's list. We got them done to accommodate them. We accommodated the Liberal convention, and because the government does not like us holding up a bill it brings in blackmail. It is saying to us "If you want to go to your convention, this bill and Bill 141 have to be through by Friday." That is pure and simple blackmail.

**Hon. Mr. Ashe:** We will see the member here Friday.

**Mr. Martel:** I tell the members opposite and warn them now, come November and December they will go through every set of estimates in totality. They will go through every concurrence and they will be here until mid-February. We will not sit in morning sessions that we do not have to. We will only sit by the rules. We will not cut back anything, if they are going to play that child's game.

I say to the government House leader, if he is going to play that sort of game, we will not accommodate legislation that is not on a list.

**Hon. Mr. Wells:** We will have a long list.

**Mr. Martel:** Give us a long list. They may think it is funny here tonight, but if they look at the number of hours for estimates and concurrences left, they do not have enough time now to be finished by December 24.

He can shrug his shoulders but I know what it is like the last two weeks of every December as ministers wander around trying to get their last bill through, trying to negotiate with the critic to see if they will let a bill slide through easily. If he thinks he is going to play that game tonight with that sort of motion and expect me to forget by November, he is crazy because he is not going to get it.

It is too bad. The government House leader might have to come back next week, but he will not get a thing through that is not scheduled and he will not get an extra hour's sitting or accommodation anywhere.

**Hon. Mr. Wells:** How about Monday?

**Mr. Martel:** We will sit Monday. We will be here Monday if he wants.



The government House leader knows that when he had a federal convention we accommodated him; we did not insist on sitting. When the Liberals had one we took two days off. It is too bad if it does not suit his timetable for us to finish the bill when he wants. He says to us, "We will penalize you." The former Minister of Revenue, who has been demoted to Minister of Government Services, said last week, "You will sit next Friday." If that is the kind of game they are playing that is fine, but they will pay the price down the road for this sort of chicanery.

I warn the government House leader now that we will be here. There will be five of us here on Friday come hell or high water. But he will pay the price come next November and December.

**Mr. Haggerty:** Next election there will not be five of them over there.

**Mr. Martel:** There will be five, enough to tie the House up.

**Hon. Mr. Ashe:** After the next election there will not be five of you.

**Mr. Martel:** Does he want to bet. Would he like to put his money where his mouth is?

**The Deputy Speaker:** Order, order.

**Mr. Martel:** We have a motion before us that has an element of blackmail about it. Down the road they will pay the price. I will not forget.

**Hon. Mr. Wells:** We will not forget.

**Mr. Martel:** That is fine. I have difficulty when I keep coming back to the rules because the Speaker rules me out even though we do not have a rule to cover this. The Speaker says I cannot talk about this rule because it is not in the rules. I wish he would quote the rules to me so I would know the rule we are talking about that I cannot talk about.

**The Deputy Speaker:** I would remind the member yet again he must not call into question the integrity of the chair, no matter who is sitting here. He cannot or he will lose the floor.

**Mr. Martel:** I am trying to talk about a rule that is not there and I do not know how to quote it to him. If I could pick up the rule book and say that by standing orders of the Legislative Assembly, August 1981—and this is what we operate by, I think—but I cannot find the rule. I have tried.

**The Deputy Speaker:** Order. That may well be the case. I am simply reminding the member that was settled this afternoon by this very Legislature. Now it is no longer debatable so he should put it to rest. May I suggest he merely

move on to the motion. That is what we are talking about here in the debate.

**Mr. Martel:** I am talking about the motion. The difficulty I am having in trying to talk about it is that it does not fit into our standing rules. What am I supposed to do about it when it is not in our standing rules? Shall I write a new rule? Shall I number it—

**The Deputy Speaker:** Just do not call into question the integrity of the chair. That is number one. Please do not dispute my ruling on that. We have done it enough times now; we cannot belabour it.

**Mr. Martel:** Is that rule 107 though?

**The Deputy Speaker:** You are talking about government resolution 8.

**Mr. Martel:** That is the resolution that is before me and I am trying to find a rule in the rule book. I do not know if it is 107, 110 or 99. I cannot find it. Maybe he can help me.

**Mr. Kerrio:** Read the rule book.

**Mr. Martel:** I could read all the rules to him if he wants. It is not in there and so I am impugning somebody's motives.

**8:40 p.m.**

**Mr. Kerrio:** Why does the member not get mad and go home?

**Mr. Martel:** No, I like it here.

**Mr. Breaugh:** Why does he not get mad and stay?

**Mr. Martel:** Yes, I think I will stay a while. I heard the government House leader this afternoon talk about Bill 179. I presume it is okay for me to talk about Bill 179, since the government House leader spent a considerable amount of time telling me how great Bill 179 was. Three minutes on Bill 179.

My colleague the member for Riverdale (Mr. Renwick) tried to indicate to the government it goofed on that bill. He implored the Speaker not to allow the ruling from two years ago on this matter which ended up before the courts. The government House leader had the audacity to say it put Ontario back leading the pack in the provinces. He might want to tell that to the 17 per cent who are unemployed in Sudbury or he might want to tell it to the 600,000 or 700,000 people unemployed in Ontario.

As I said to the Premier when we debated this bill, "If interest rates rise in the United States, that whole bill of goods you sold to the people of Ontario about the wage restraint package will go down the tube, despite the fact that workers did not get any increase beyond five per cent." We



are on our way, and they do worry about it on that side of the House. The recovery is not here, despite what the government House leader said today. He might want to tell the 500,000, 600,000 or 750,000 people who are unemployed that we have benefited from that price and wage control that dealt primarily with wages.

When my friend the House leader gets up and tells us all this nonsense, I suspect at the same time he is genuflecting every second step down towards the altar in the hope that interest rates do not go any higher. If they do, we will have more than 600,000 unemployed. The government will not have the workers to blame any more as it did two years ago. They hammered a piece of legislation through then using the same type of legislation and same type of motion, which I remind the Speaker is not in our rule book.

If we look at the rules, my friend the member for Brant-Oxford-Norfolk (Mr. Nixon) quoted standing order 37 this afternoon, "A substantive motion is one that is not incidental to any other business of the House." It must be, however, because the government House leader used this motion two years ago. We were then dealing with wage restraint, and he is now using the same motion to deal with Barrie and Vespra. He is using a substantive motion, which is supposed to deal with one motion only.

The standing order goes on to illustrate, "Examples of such motions are: the motion for an Address in Reply to the Speech from the Throne, the Budget motion, want of confidence motions in allotted sittings, Resolutions, motions for returns or addresses, and motions for the appointment of committees."

I cannot find in standing order 37(a) that this type of motion can be used repeatedly to fill in for rules that do not exist. That is what we have happening now. A rule that does not exist is being adopted by the government House leader. He presents it and says, "It is a substantive motion." What he is doing is a total and complete abuse of a substantive motion, a rewriting of the rules.

As I said this afternoon, I find it rather difficult to accept that we are even debating this type of motion when it has only been used once before, and now a second time. The government has had two years since the last occasion to rewrite the rules. It has not attempted to do so. We on this side have agreed there should be time limits, but the government does not want to do that. It can use its majority and force such a motion through. It does not matter whether it is right or wrong, and it does not matter whether it is part of the

standing rules, the government just forces through because it has the numbers.

We might as well throw the rule book away. That is my suggestion. It does not fit anywhere. It does not fit in under standing order 37 or standing order 38. There is standing order 36. The government House leader commented that, except he got himself in a trap. The government was too smart by half.

Was it not the fellow who was carrying the bill, the member for Wilson Heights (Mr. Rotenberg), who wanted to violate the rules again? He violated the rules by wanting to make an introductory statement on clause-by-clause study of a bill in committee of the whole House.

That was a violation of the rules. I did not see anyone jump up and say to the parliamentary assistant that he was violating the rules; no one see people leap up when I make a few comments but no one said to the member for Wilson Heights that he was out of order.

**Mr. Breaugh:** Quite the contrary.

**Mr. Martel:** Quite the contrary. He was allowed to go on, so he set the stage for the debate that has run on for a few hours.

**The Deputy Speaker:** Order. I have no intention of entering into the debate, but I distinctly recall the Chairman having a discussion with the honourable member about that very thing, outlining the fact that there could not be opening comments. But there was unanimous consent by that committee, if the member recalls that. The committee proceeded under unanimous consent.

**Mr. Martel:** That just shows how cooperative we are. We were prepared to take through a bill or two for the Minister of Consumer and Commercial Relations (Mr. Elgie). We took through a couple of bills that were not on the "must" list. We took through a couple for the Minister of Agriculture and Food (Mr. Timbrell). We are always accommodating.

The government responds by moving a motion that says we have to sit on a day when we have a convention, despite the fact it adjourned the House when there was a federal convention, not a provincial convention. If the government thinks that is not blackmail, I want to say it is all that and more.

Let me continue. I want to make a few more comments regarding this bill.

**Mr. Breaugh:** There is some harassment going on here.

**Mr. Martel:** I guarded against that sort of intrusion over the dinner hour. I went out and had



a very nice dinner. I thought I would get a couple of extra glasses just in case I got thirsty tonight. I thought I would do it ahead of time. If someone wants to send them back with other than water, it would be much appreciated.

**Hon. Mr. Elgie:** I was thinking of that.

**Mr. Martel:** If the minister does that, I would certainly appreciate it.

Let me go on. I cannot help but think back to the bill that introduced the regional municipality of Sudbury. We had a similar situation in Sudbury. When we brought in the regional municipality of Sudbury bill, there was a township called Broder that came right up to the boundary of the city of Sudbury. One half of it had all the industrial and commercial assessment; the other half, like Vespra, consisted of a few scattered homes and whatnot.

The city of Sudbury said to Kennedy, who was then the chairman and did the study, "We think the city of Sudbury should have the half of Broder that has the industrial and commercial assessment." Kennedy, to his credit, said: "No. If you are going to take half of Broder, you are going to take it all, but you are not taking the part with the industrial base." To Kennedy's credit, he put it in the report.

**8:50 p.m.**

Like my friend the member for Brant-Oxford-Norfolk on occasion I drive over the hill on my way home, get something to eat and fill up my car. I could not believe the government was prepared to practice confiscation because really that is what it is.

The government always talks about socialists and how they would interfere. I recall the Minister of Consumer and Commercial Relations with a bill just about a year ago that if any socialist party ever tried to introduce the business community would have gone crazy. They would literally have gone mad if we had tried to take over three trust companies, but the Tories could do it and get away with it.

Here we have another act of confiscation led by the Solicitor General. The government is going to confiscate part of Vespra and then tell them after the fact. It says to them, "Now you can negotiate." What the hell else can they do. If they have it taken away from them, what else can they do? One does not negotiate that way in our society, unless one is a Tory.

The government says to them: "We will pass the bill and then you will negotiate, you beggars, only then. We know you do not want to give it away for a song, but if we have the power of the act, you will have to negotiate." If they do not

own it any more, they will want to negotiate to try to get some return with respect to commercial and industrial assessment. What is that called? If that is the government's idea of negotiation, then I am sorry, there is something sick about this Legislature. It is really sick. I find it repulsive.

I used to hear the Minister of Citizenship and Culture (Ms. Fish) when she was on city council, the great defender of councils. With a bill such as this, one does not go to the wall with the first problem. We had suggested, as of last Thursday, that the government might want to negotiate, establish a committee to do something to negotiate. What does the government mean by negotiation when they will no longer own the land? The government has annexed it. It has taken it away. It has confiscated it. What does the government mean by meaningful negotiation?

I would hope that some of the Tories over there would wake up to what is going on. It is a tough problem. The government cannot get Vespra to give away its commercial assessment. Can one blame them? I understand it ties in perfectly with Barrie. Regional government in Sudbury and Broder township tied in wonderfully well with the regional municipality of Sudbury. My friend the member for Algoma-Manitoulin (Mr. Lane) knows the area I am talking about, south of Four Corners. But to his credit, Kennedy said: "No way. You cannot have that happen. You just cannot, because all you want is the part that has the commercial assessment and industrial assessment and you cannot do it that way."

This government is saying to them that it will negotiate after the fact. What negotiation power does one have after the fact? The Minister of Consumer and Commercial Relations used to be the Minister of Labour. What power does one have to negotiate after the fact? They know they are ultimately going to get what is offered, and it might be increased by 10 per cent to show how big-hearted they are. They are going to get the dirty end of the stick.

I am amazed the government would do it that way. I am amazed the government would use this type of motion to try to stifle the debate. I am not amazed by the blackmail contained in it. I am amazed the government House leader would do it. I have always had a great deal of admiration for the government House leader. I never thought he would try to force us to finality by putting the screws to the New Democratic Party convention.

I have one to tell the government. That is not the way I see it. It is okay for Tories to go to their convention. It is okay for Liberals to go to their convention—



**Hon. Mr. Wells:** We do not want to keep you from the convention.

**Mr. Martel:** No, no, the minister is saying to me that I either acquiesce by Thursday night or we do not go to the convention on Friday. That is the position that is being taken. It is straight blackmail and the minister knows it.

**Hon. Mr. Wells:** No.

**Mr. Martel:** The minister can say no all he wants but that is what it is, pure and simple. It certainly is.

**Hon. Mr. Wells:** On a point of order, Mr. Speaker: Before he made these statements in this debate, has the member ever once asked me or my colleague the House leader of the official opposition, the member for Brant-Oxford-Norfolk, not to meet in this chamber on this Friday?

**Mr. Martel:** I did not hear the minister.

**Hon. Mr. Wells:** Has the member ever asked me or the House leader for the Liberal Party not to meet in this chamber on this Friday before he made these comments in his speech tonight?

**Mr. Martel:** The minister knew full well there was a New Democratic Party convention on Friday. Everyone knew it. The Liberal one was mentioned; conventions are a fact of life around here. We have always made sure that members of this Legislature could attend their conventions. The minister knew of that convention.

**Hon. Mr. Wells:** I did not know there was an NDP convention. I heard rumours of it.

**Mr. Martel:** The Minister of Government Services said last Thursday, while sitting in his place, that we would not be out of here to go to the NDP convention. Does the minister want to check the record? Let him check it. I tell him that is what was said.

**Hon. Mr. Wells:** On a point of order: The member never asked me if the House could not meet on this Friday. Is that not right?

**Mr. R. F. Johnston:** On a point of order, Mr. Speaker: I implore you, as a past Scarberian yourself, to allow this point of order because I think the House leader for the government party is unintentionally drawing us away from the fact, if I can put it that way. He is asserting or trying to make it sound as if he did not know about the convention. He is trying to make us believe he did not know we were meeting at a convention in Hamilton when the whole province knows and is talking about it.

**The Deputy Speaker:** Order. That is not a point of order at all. It is out of order. The member for Scarborough East has the floor.

**Mr. R. F. Johnston:** Scarborough East? Scarborough North.

**Mr. Martel:** I have not moved yet.

The government House leader can say I did not ask him. He knew there was an NDP convention. He also knows that for the Liberal convention we sat on Wednesday so the Liberals could be out here on Thursday and Friday.

**Mr. Kerrio:** We asked the House.

**Mr. Martel:** Oh, baloney.

**Mr. Breaugh:** The Liberals went on bended knee.

**Mr. Martel:** I heard a member of the Liberal Party say—

**The Deputy Speaker:** Order. Let us get back to the debate.

**Mr. Martel:** —“If need be I could stay over.” say to the member for Niagara Falls that I attended the House leader’s meetings.

**Mr. Kerrio:** I expect if you asked for the day off, they would give it to you.

**Mr. Martel:** By that motion it looks as though the government intends to.

Let me gather my notes here. I have to continue.

**Mr. Kerrio:** Does the member for Sudbury East want me to put the motion?

**The Deputy Speaker:** Order. The member for Sudbury East is returning to the terms of the resolution. He is on his way back.

**Mr. Breaugh:** It is a long trip but he is returning.

**Mr. Martel:** Mr. Speaker, I keep returning to the rule that does not exist. I want to quote it but it is not there. I can never find it so that I can quote it to start my remarks.

**The Deputy Speaker:** The member is out of order.

**Mr. Martel:** I hope I am not going to cause the Clerk any indigestion, but he is having a rough time. Every time I mention this the Clerk almost—

**Mr. R. F. Johnston:** He could get a whiplash.

**Mr. Martel:** Yes.

**The Deputy Speaker:** Order. The Clerk has nothing to do with the terms of reference of this resolution, nor does trying to return to a debate that is totally out of order when you start to talk about the ruling of this afternoon. Let us not get into that.

9 p.m.

**Mr. Martel:** I am talking about the motion. Let me read the motion to you. I want to read this carefully to you, Mr. Speaker. It says:



"Government Notice of Motion No. 8—Mr. Wells—Resolution—That notwithstanding any order of the House, the House sit for the consideration of government business, afternoons and evenings Monday to Thursday and Fridays until 1 p.m. until further order and the consideration of Bill 142, An Act respecting the City of Barrie and the Township of Vespra, by the committee of the whole House be concluded not later than 5:45 p.m. on the first sessional day following the passage of this motion"—I can go on and quote the entire motion.

Maybe the Speaker could help, if he were so inclined. I want to know under what rule in this rule book that motion applies? Maybe the Speaker can tell me.

**The Deputy Speaker:** We are not having to refer to any rule; we are not going to debate; it is undebatable. You know full well that matter was dealt with, I say it yet again, this afternoon. We are now returning to notice of motion 8.

**Mr. Charlton:** Mr. Speaker, on a point of order: Would you perchance check to see if there is a quorum present.

Mr. Speaker ordered the bells to be rung.

9:05 p.m.

**The Deputy Speaker:** There is a quorum present. The member for Sudbury East.

**Hon. Mr. Ashe:** He is the only one.

**Mr. Martel:** I need only one.

**Mr. Nixon:** He is here all alone.

**Mr. Kolyn:** Where are the New Democratic Party members? If they are not going to listen to the member, neither are we.

**The Deputy Speaker:** Order. We have a quorum. The member for Sudbury East is continuing with his debate.

**Mr. Martel:** Did I break up the cribbage tournament? I am sorry. I did not mean to break it up. I apologize.

**Mr. Havrot:** Four NDP members.

**Mr. Breaugh:** If it goes any higher the member will have to take his shoes off.

**Mr. Martel:** Mr. Speaker, in order to show how magnanimous we always are—

Interjections.

**Mr. Martel:** Shall I recite the six bills we gave that were not on the list?

**Hon. Mr. Sterling:** We know that.

**Mr. Martel:** The minister will not get his now.

**Mr. Breaugh:** It will remain a secret forever.

**Mr. Martel:** I am sorry, it is gone.

To expedite the business, I will make one final remark and take my seat.

**Mr. Kerrio:** Hear, hear.

**Mr. Martel:** The member for Niagara Falls should not be so enthusiastic or I will punish him tomorrow.

As I wind down, try as I might I cannot find in this rule book the rule that is being applied here tonight. I hope the government will consider some rule changes we have been advocating. There was agreement at the standing committee on procedural affairs—and the chairman is sitting back there—which had all this worked out. The maximum time was 45 minutes per member. If the government did not want to move to that, it is not my fault.

In conclusion, I resent coming in here and seeing a new rule to enforce something that is not in the rule book.

**Mr. J. M. Johnson:** Call it common sense.

**Mr. Martel:** The member can call it what he wants, but it is not there. If we went by common sense we would do a lot of things in here differently. We would even give the back-benchers a role.

In the interest of getting the business done, we will oppose this awful motion because it seems to me the government is using a sledgehammer to break a peanut. I remember when the new boy, the member for Ottawa South (Mr. Bennett), came to Sudbury in regard to the regional municipality of Sudbury bill. I guess he was a parliamentary intern then. I took him out to Laurentian University and we spent the day chatting with some people about the Kennedy report on Sudbury local/regional government and the regional municipality of Sudbury bill. He was a new boy on the block.

9:10 p.m.

I would like to put this proposition to the minister before he proceeds any further. He should simply say to the people of Vespra tomorrow morning, without this silly nonsense and without this bill: "We are prepared to negotiate. I will head up the negotiating team and sit in the middle between you and Barrie." We do not need this draconian motion. We do not need this piece of legislation in the form in which it is. I will work with the government to bring it to a head. In that way we will not set precedents of this nature in this Legislature.

It is confiscation to put people to the wall and then suggest to them they have to negotiate. They have no power. They have no source from which



to get fair negotiations. The Minister of Municipal Affairs and Housing would do himself credit and he would do the Legislature credit if he suggested to his House leader that he is prepared to head up the negotiations to resolve this matter, starting tomorrow. Then we could all go home this evening.

If the government does not get it, it can always come back. I suspect, in all sincerity, they would get it. Let us not go through this sort of nonsense in order to resolve this. It sets precedents down the road that could be unconscionable. I have enough faith in the minister to think that he and Mr. Fleming, a person in that ministry for whom I have tremendous respect, can bring it to a head. We could do that without having to go this route.

I would urge the minister to try that first, rather than this. We are prepared to come back next Monday if the government cannot get it through, if it cannot resolve it. We would urge the minister to try the negotiating route and see. Vespra tells us it is prepared to negotiate.

**Hon. Mr. Bennett:** We can do that when the bill is on the floor.

**Mr. Martel:** Leave it on the floor for another week and negotiate with them, then we can come back. We would be prepared to come back on one day's notice if the government cannot bring a resolution to it without this type of legislation.

**Mr. Riddell:** Mr. Speaker, when I interjected this afternoon, something I very seldom do, condemning the Conservative government for its dictatorial tactics, I was not simply a voice in the wilderness. I believe most members in this Legislature have received resolutions from municipalities stating what this resolution that I have in my hand states.

I am going to read part of it, "Further, we again call upon the provincial government to withdraw Bill 142 on the grounds that such legislation is dictatorial, undemocratic, contrary to the wishes of the people, contrary to the greatest common good, unjustified and recognized as being a dangerous and unprecedented threat to rural municipalities and to the county system." There we have it in one sentence. I am shocked at how far this government has strayed from what I considered to be the democratic system when I entered this Legislature.

Churchill was one of the great leaders. It is too bad we have not seen more like him in recent times. He once said about democracy, "It is far from perfect but it is the best system that has been devised to this point in time." Those may not be the exact words, but that is what Churchill was

implying when he talked about the democratic system.

I wondered what the word "democracy" really meant when I viewed what was going on with this government, so I took the dictionary and I looked up "democracy." According to one of the best dictionaries we have in the country, "Democracy is government by the people, that form of government in which the sovereign power resides in the people and is exercised either directly by them or by officers elected by them." In other words, it is government by the people but that is not what we are seeing here with this kind of a resolution.

I guess I was naïve when I thought, upon my election in 1973, that I was going to have an opportunity to participate in the democratic system. I was not here very long before I learned exactly what Churchill said: democracy has its imperfections. I am convinced that no government has strayed so far from the democratic principles as this government here in Ontario.

I do not need to remind the Conservative Party that I was elected to the Ontario Legislature in 1973 to stop further imposition of regional government. We in southwestern Ontario saw it as something disastrous and nothing more than a wasteful expenditure of taxpayers' money. In other words, the imposition of regional government was simply another high-handed tactic of this government to strive for more power. The Premier—

**Hon. Mr. Timbrell:** Who wrote this?

**Mr. Riddell:** The member should come over and have a look.

As I was sitting here looking at government members carrying on their dictatorship, I started to put some notes together.

**Mr. Piché:** On a point of order—

**Mr. Riddell:** Sit down. I have the floor.

**Mr. Piché:** Mr. Speaker, on a point of order: I would first like to look at the text of the honourable member to see who wrote it. This member is abusing democracy right now. I would like to know if he is agreeing with the member for Oshawa and the nine hours he has put in in this House abusing his legislative privilege. Is that what he is saying?

**The Deputy Speaker:** Order. Will the member for Cochrane North (Mr. Piché) please take his seat?

**Mr. Breagh:** On a point of personal privilege—

**The Deputy Speaker:** Please take your seat. The chair will decide who is in order and who is



not. The point is out of order. It may be some kind of point of comment.

**Mr. Breagh:** On a point of personal privilege—

**Mr. Piché:** I have the floor right now.

**The Deputy Speaker:** No. The Speaker has the floor. The member for Oshawa had risen on a point of privilege.

**Mr. Piché:** Let the record show he has gone over nine hours right now.

**The Deputy Speaker:** Order. Will the member for Cochrane North take his seat please. You know my options.

**Mr. Martel:** You had three final warnings the other night.

**Mr. Breagh:** Mr. Speaker, I have listened to a lot of chatter here today. I just listened to the member for Cochrane North say I abused the privileges of this House for some nine hours. For many of those hours you were in the chair, you were the man who was holding this House according to our standing orders.

I take some offence that members opposite would accuse me of abusing other members' privileges. More than that, I commended you on several occasions for keeping me in order. I want the remark that I was abusing the privileges of the members here, which was made in a rather weaving manner by the member for Cochrane North, withdrawn.

**The Deputy Speaker:** To answer the member's reason for being on his feet, it is not a point of personal privilege. As to withdrawing a remark, we have had allegations flung back and forth across the floor that have been very abusive. Let us return to the debate.

**Mr. Riddell:** Mr. Speaker, if the member for Cochrane North would stick around, he might learn something. It gets a wee bit annoying when the member drops in to the Legislature once in a while—

**The Deputy Speaker:** Order. Will the member for Huron-Middlesex (Mr. Riddell) please take his seat, and would the member for Cochrane North please avoid abusive language. He knows our orders.

**Mr. Piché:** I find that doubly insulting.

**The Deputy Speaker:** Order. Members cannot use insulting language. Let us return to the debate.

**Mr. Riddell:** I will talk to you, Mr. Speaker. I am simply saying it gets pretty frustrating when certain members sit in this Legislature and participate in the parliamentary system, while

other members come in periodically and about all they can do is—

**The Deputy Speaker:** Order. We will move on to another speaker if we have any more of that language. It is only inciting the type of behaviour we have seen sparked around the chamber.

**9:20 p.m.**

**Mr. Riddell:** Mr. Speaker, I sincerely feel you are the type of person who would apply that ruling to all sides of the House.

Before I was so rudely interrupted, I was saying I was elected to this Legislature to stop further imposition of regional government. Those of us in southwestern Ontario could see the disastrous effects of regional government that had been imposed up to that time. We could see it was nothing more than a wasteful expenditure of taxpayers' money. If one were to talk to any of the people in the municipalities that are under regional government right now, they would probably say they would get out mighty quickly if they could.

The Premier, at the height of his power, could not bear to see two Liberals march into this Legislature after the by-elections of 1973, so he put a stop to further imposition of regional government. He knew a general election was pending.

At least we were successful in that mission. Maybe this is one case where democracy did work within this Legislature, but I would like to see it working far more effectively than it is at present in dealing with this resolution.

**Mr. Martel:** Ask him for the rule.

**Mr. Riddell:** No, I am not going to talk about the rule. However, as is the—

**Mr. Piché:** Now the member is in bed with Elie.

**Mr. Martel:** The member for Cochrane North should tell me the rule that applies here.

**Mr. Riddell:** As I indicated, Mr. Speaker, I had thought—

**The Deputy Speaker:** Order, order. I say to the member for Sudbury East and the member for Cochrane North, I distinctly recall the member for Huron-Middlesex was nothing but polite and attentive to your debates. Order.

**Mr. Riddell:** As I had indicated, I thought we had brought an end to regional government. But as is the Premier's custom, as well as that of some of his cohorts over there, he endeavoured to bring it in through the back door by what the member for Sudbury East would probably call blackmail.

Let me give an example. Regional police grants were much higher than municipal police grants. That is a way of bribing the municipalities by saying, "Look, if you are going to get in on all these good grants you had better regionalize." That is what I call bringing it in through the back door.

Health councils were also forced upon municipalities, if they were to make their voice known in matters pertaining to health care. French services were brought in the back door while the Premier stood at the front door and shouted for all to hear, "I will not make Ontario officially bilingual." That is what I call governing through the back door.

**The Deputy Speaker:** The member really has to help me to see how that fits into the resolution.

**Mr. Riddell:** I am just citing some examples of how far we have strayed from the democratic system. That is also obvious in the resolution we are dealing with now and I am going to develop it.

Here we are debating a motion which is intended to stymie debate on a very controversial bill. The government seems to forget we are elected to give whatever debate is necessary on bills of such a contentious nature. This government takes the attitude that the opposition members are redundant in what is supposed to be a democratic system.

It is a sad testimony to democracy that this government would dictate to a lower tier of government, as it is doing in connection with the Barrie-Vespra situation, not to mention the shabby way it treats the opposition role in this parliament.

This government treated labour most shabbily and unfairly in its closure motion in 1982 when we were dealing with Bill 179.

**Mr. Piché:** I take exception to that.

**Mr. Riddell:** That is exactly what happened. For any government to break up contracts between labour and management the way this government did back in 1982, it has to be nothing more than a dictatorial government that completely ignores settlements made on a local basis.

**Mr. Piché:** My God, this is terrible.

**The Deputy Speaker:** Order.

**Mr. Riddell:** I wish the members of this Legislature had the opportunity to visit the country I visited over the Christmas holidays, South Africa, to see for themselves how a dictatorial government actually operates. If they were over there to see the government in South Africa controlling every radio station and every

TV channel, and there are only about two of them, and controlling the type of—

**Mr. Piché:** What about the CBC and CTV? Who rules them? The New Democratic Party, that is who. Who else is on CTV?

**The Deputy Speaker:** Order.

**Mr. Riddell:** The South African government controls things visitors can do and not do, see and not see. In other words, if I had spoken out against that government when I was over there, I would have—

Interjection.

**The Deputy Speaker:** Order. The member for Cochrane North, last call. Order. That is the last warning.

**Mr. Riddell:** The point I am trying to make is that if members of this Legislature, particularly the Progressive Conservative Party, which is straying very far from democratic principles, had an opportunity to see what a most undemocratic government is like in South Africa, they would come back here and decide very quickly to follow democratic principles once again.

If I were to dare to speak out against the government in South Africa, even though I was a Canadian visiting that country, I would be picked up off the street and put in what they call their political prisons. Believe me, there are people in those prisons, people of the cloth, ministers of all faiths, who had enough courage to speak out against the apartheid policy of the government only to find they were suddenly picked up and whipped into the political prisons, there to spend dear knows how much time. Some of them have been in there for 10 and 12 years.

Coming back from a country where I saw this type of government policy, it really bothers me to come into this Legislature and see the government rule with an iron hand, completely ignoring a local decision that has to be made between Barrie and Vespra. If the government feels it has to become involved, surely it can do so through negotiation and not through the heavy-handed tactics it is trying to use in Bill 142.

Here we are trying to carry out our parliamentary responsibilities, trying to retain democratic principles and wanting to debate Bill 142 to show the government it is making a mistake. That is our responsibility as opposition members. What does the government do? It comes in with a closure motion to stymie further debate on Bill 142. It says: "We are going to do exactly what we want to do, folks on the other side. You had better like it or lump it." I take offence at that.



**Hon. Mr. Brandt:** We take offence to a filibuster.

**Mr. Riddell:** There is no filibuster.

**Hon. Mr. Brandt:** Filibusters are against the rules in this House.

**The Deputy Speaker:** Order.

**Mr. Martel:** Is that a new rule too?

**Hon. Mr. Brandt:** Filibusters are not allowed in this House.

**The Deputy Speaker:** Order.

**Mr. Martel:** What are you doing, writing the rule book over again or what?

**The Deputy Speaker:** Order. Only the member for Huron-Middlesex has the floor.

**Hon. Mr. Brandt:** Then keep him on the subject.

**Mr. Riddell:** I am absolutely on the subject. It bothers the minister to see a motion introduced into this House that is going to stymie further debate on a bill of such a contentious nature as Bill 142. It bothers him and that is why he is interjecting.

**9:30 p.m.**

The government has made a mistake with this closure motion. As the member for Sudbury East has said time and time again, a motion of this kind is not found in the rule book but the government is going to make the rules and play the game as it wants to play it.

It cannot go on, it has got to stop; and if the government is not going to stop it of its own accord, the day will come when the members opposite will be on this side of the House and we will be over there running a democratic system of government, which has been lacking in this province for 40 years.

**Mr. Breaugh:** Mr. Speaker, I want to make a brief intervention.

**The Deputy Speaker:** We have heard that before.

**Mr. Breaugh:** I am not sure this government really understands what it is doing here. I want to speak directly to the use of a closure motion, this motion in particular. I want to make a final plea.

I am not one who is accustomed to making pleas to this government to have a sober second thought, to stop and think what it is doing. But the idiocy of using a closure motion on a boundary dispute is, as far as I can determine, unprecedented in the history of parliaments. I cannot find in our House of Commons, in the British House at Westminster, in all of Beauchesne or in all of Erskine May an instance in

which a government took a matter such as a boundary dispute and made it the subject of a closure motion. It is unprecedented.

Closure motions are motions related to matters of major public concern, on which a government feels it really has no ability to end debate other than by moving a motion such as this one to order the business, which probably falls into the category of what most parliamentarians would refer to as a guillotine motion.

It is true that one can find in the British House, for example, fairly regular use of a form of guillotine motion; but that has been used there for some time, members are aware of it and it has become part of their practice. Everyone on all sides at Westminster understands that the government does not really use a guillotine motion; it is part of the normal proceedings there for some matters. But in attempting to establish why this government at this time would put this form of closure on this bill, I am at a loss to provide an explanation.

Let me tell members what I do know, Mr. Speaker. I read into the record some of the comments from the 104 municipalities that opposed Bill 142. That represents a total population of about 299,244.

**Mr. McLean:** We have heard that before.

**Mr. Breaugh:** As a matter of fact, you have not heard that before. The population represented in the 11 counties opposing Bill 142—including the county of Simcoe, I might add, for those members who are from the Simcoe county area—is 747,584. That excludes some cities on the assumption that they have been separated from the counties.

I read into the record some of the comments and resolutions from those various municipalities because I believe they are worthy of the notice of the Legislature, and not all members got that. I noted that some people feel that what those municipalities had to say is drivel; some people feel it is not reasonable to have this Legislature listen to that, perhaps on the assumption that in rural Ontario they do not know as much as the members of this Legislature do about the sophisticated levels of government we have in Ontario.

I think that is unfortunate. I believe that in rural Ontario we probably see democracy in one of its best forms, unencumbered by a whole lot of staff people who write speeches for folks, unlike the Ontario Legislature where many members require someone to write out their every word.

When you go to a county council you hear it like it is. You hear people talking about the



problems in their county or their municipality, and they give their own opinions, not someone else's opinions, not the staff's opinion. They do not give a speech that is written by an executive assistant; they just sit there and tell people what they think about what is being proposed.

I want to put on the record tonight this resolution from the county of Lambton:

"The county of Lambton has recently endorsed the resolution of the county of Simcoe regarding Bill 142, and whereas the county of Lambton has also passed a further resolution petitioning the provincial government to allow the fullest debate and not to introduce closure regarding this bill, and whereas it is deemed appropriate for the county of Simcoe to support the county of Lambton and reiterate the intent of the county of Lambton resolution, now therefore be it resolved that the council of the county of Simcoe hereby petition the provincial government to allow the fullest debate and not to introduce closure or any other parliamentary procedure to expedite the third reading of Bill 142, and further that the clerk be instructed to telegram this resolution to the Premier of Ontario and to the Minister of Municipal Affairs and Housing."

As I understand it, as of now three counties, Lambton, Middlesex and Simcoe, have taken the time to pass a resolution and communicate that feeling to the government of Ontario, to the Premier, to the Minister of Municipal Affairs and Housing, and if my copies of the letters are right to most of the local members involved as well.

There is an awareness at the county level and at the local municipal level that this government entertained the possibility of closure for reasons which are certainly not clear to me. They said, as specifically as county councils could say: "Do not do it. Do not use closure on this bill."

What confounds me no end is there is no sanity to this, none whatsoever. This government does not need this bill to survive. This government does not need to save face on the matter. This government does not need to withdraw the bill. This government does not need to make a minister resign. This government does not have to do a thing.

Last Friday morning this government could have said: "We had a shot at this bill. Now we are going to adjourn the House for a recess and we will send our staff people, our minister, the Premier or whoever you want to that area, and we will negotiate the financial package that goes along with this." Most government members would understand that normally, when one comes to this kind of an impasse, one tries to put

together some financial package so everyone on whom it will have an impact in this community will at least know what the numbers are. Barrie should know, Simcoe should know, Vespra should know and the ministry should know.

I do not think anybody is making an argument that it is an impossible thing to do. We have argued all afternoon and evening about this closure motion. All through most of that time, representatives of the Vespra council sat under the gallery. They left a little early, because they did not have a car with them and they had to catch a bus back home tonight.

All the time they sat there, there were ministers sitting opposite and staff people sitting under the gallery. It was well within the realm of possibility to my mind that if some of the talented people around this Queen's Park of ours had set their minds to it, they could have negotiated that package today. They chose not to.

The Minister of Municipal Affairs and Housing had only to walk across the aisle of the Legislature and sit down beside Reeve Harry Adams and talk to him. He would not do it. That is a shame. That is a tragedy. That is stupidity in government.

I do not know why this government has chosen to move this closure motion at this time. I know it is unnecessary; that much I do know. It ought to be possible for this government, as sophisticated and as strong as it is, with a majority and with many talented civil servants who are skilled at putting together financial packages and at negotiating, with just a minimal amount of effort on its part to have done that. They chose not to. They say that after the bill receives third reading they may choose to do that.

What escapes me totally is why the government of Ontario, with all its sophistication and with all the resources at its disposal, has decided to take this one rural township and really sock it to them. It makes no sense to me at all. I have asked that question for a long time now and I have had no answers.

The pretence is that some negotiation has taken place. That is not true by my definition of negotiation. It is true that one single meeting was held at Georgian College of Applied Arts and Technology. That is hardly negotiation in my book. It is true that the government has said, "Vespra can come to us and negotiate with the government of Ontario." By my definition, that is not negotiating either. That is an offer to come and visit, but that is a long way from negotiating.

9:40 p.m.



I feel very strongly about this particular motion before us tonight. This is the darkest day this province has seen for some time in relation to Ontario's rural municipalities. It is particularly dark because there is not an ounce of common sense in it. It is so stupid, it is beyond belief.

I cannot find a precedent anywhere, in anyone's parliament—at least on the surface of it—for the use of a closure motion of this kind on a debate about a boundary annexation. Governments do not do that. They use closure motions rarely, and with some discretion.

In my nine years here as a member I have seen roughly four or five closure motions. They are not a common occurrence. I could understand the last one on the wage and price control bill, where the government felt there was a great philosophical split and the opposition parties were obviously at odds with the government. It felt it had no option. That involved every citizen in the province in some way or other.

We are talking about a little rural municipality here. We are talking about using all the government's power. Quite frankly, I am concerned that we are debating a closure motion tonight because somebody—I really do not know who—feels their nose would be out of joint if the Ontario government did not stomp all over Vespra township. That is a sad commentary on modern government. That is an uncivilized thought.

I told the people from Vespra council when I first met them: "You come down here and you will get a set of public hearings, but do not be silly about it. Do not expect a whole lot of fairness. Expect that people will sit in a room and listen to what is said, but do not think this is a county council where you are expected to act and react with people who appear in front of you. These people know how to ignore you pretty well." They have done that.

It is rumoured in certain parts—and I believe it—that one of the prime movers behind this bill is not the Minister of Municipal Affairs and Housing but the Solicitor General. He has managed to stay relatively silent on the whole matter for about six months, except in his own particular riding. That is fair. That is his game.

One of the first lessons a minister must learn when he comes to Queen's Park is when to sit down and shut up. Those who never learned that lesson often got into trouble. It is the same with ordinary members, the back-benchers over there. They soon learn that one of their first roles in life is to stand up around 10:15 in the evening. It is not necessary to know why you are standing up,

it is only necessary that you are physically able to get vertical roughly at 10:15 p.m. and give a little nod toward the chair. They understand that is simply what life is all about, unpleasant as it may be.

I have a lot of reservations about the motion in front of us now. It is unnecessary. It is ungraceful. I am saddened somewhat by the Minister of Intergovernmental Affairs who is, above all other things, a graceful politician. He looks good. He rarely says wrong things. He is, for the most part, one of the most gentle persons I have seen. I believe he is a competent minister of the crown.

**Mr. R. F. Johnston:** The member should calm himself.

**Mr. Breaugh:** No, no. He is doing, perhaps, one of the greatest disservices to parliamentary democracy that I have ever seen. I am certain that in his heart of hearts, the Minister of Intergovernmental Affairs knows this closure motion is wrong; that it should not be in front of us tonight. He knows that and, yet, he somehow feels it is his duty to defend the faith, to defend the government's side.

When we get into these moments of great stupidity in here, I often wish someone on the government side would just come over to the opposition side and say, as a gesture of humanity, "We have a minister who has done something dumb here." In this instance, I cannot even tell the House which minister it is.

Why can he not say: "We all make mistakes. It is true we do. Let us just forget this for awhile. Let us just go away. We will come back another day and try to do things right. We will try to straighten out this mess."

I was flabbergasted, quite frankly, when on Friday morning, at the end of the day's proceedings, the government House leader announced the Ontario government's intention to move closure on Vespra township. That is beyond my comprehension. It is unnecessary. It is stupid politics. That is one of the prime reasons I did not think it would happen. It is so incredibly dumb to move closure on a bill of this nature.

It would be so incredibly easy for the government to do the commonsense thing and simply sit down and say to Vespra township: "You guys had lots of debate on this matter. That was your deal. You have a chance to air that." I think we would all be happy to say that this airing of the issue has occurred. It would be common sense for the government of Ontario to say: "We are going to take the next four months and resolve the final component here. This financial obliga-



tion package will be put together over the summer. It will come back again in the fall when the Legislature is resumed, and that is it."

It gives the government all the power it would ever need to use on poor little Vespra township. I even made the ultimate sacrifice. I said today, and I would be happy to reiterate again tonight, that I do not feel I need to go on for any great length of time. Within 20 or 30 minutes of resuming this debate in the fall I could say what I had to say; there is no question about that. So if the government is worried about the debate going on forever and a day, that is not going to happen; I have made that commitment and I would be happy to keep it.

What I am concerned about is that this government is going to move its closure motion in here tonight, a wrong move if ever there was one. It is saying to all those people, about three quarters of a million of them who live not in the cities but in rural Ontario, in the counties and municipalities that thought enough of this problem to pass a resolution in regard to it: "We do not care about you; we do not want to listen to what your council has to say. We want to move closure tonight, and we do not have to give a good rationale for closure."

I listened this afternoon to a couple of ministers of the crown say, "At some point a government has to decide." Normally the argument about guillotine motions and closure motions is simply that there is some great issue in front of the Legislature that must be decided, there are great differences among the three parties and we are not getting anywhere; that there is a need for this, there is an urgency to it, it must happen and so we will move closure.

The government cannot make an argument on this bill of anything close to that nature. It cannot tell me the shopping centre is going anywhere. The members opposite all know they have their approval through their law firm of Goodman and Goodman to proceed with the expansion of the mall; that is happening anyway. The government knows it will probably not proclaim this bill by July 1 this year, so it will not fulfil one of the qualifications that is in here.

It knows this sense of urgency is altogether absent from this argument. It knows that the sensible, normal way to proceed would be simply to say tonight: "Let us get out of here. People are tired, people are hot, people are angry; they need to cool it off a little bit. We have lots of civil servants who can go up there and put this package together over the summer. We will bring it back in the fall; we do not have to reintroduce it, and

Breaugh is going to sit down and shut up within 30 minutes. So there is no great hassle; this thing is going to be put away so smoothly, so fairly."

If the government came back in September or October or whenever the House resumes and said to us, "Here is a list of the days when we met with Vespra, Barrie and Simcoe county; we met with them once a week every week for four months and we were unable to resolve this financial argument," I for one could not then say that at least the government did not try.

We said in committee that this argument had gone on for 10 years; that is not true. This argument has gone on, off and on, over a 10-year period, which is not to say the argument has gone on day by day.

Even in regard to what I heard in here tonight—that I have spoken for some nine hours, which seems a fairly lengthy time—I think I have had a couple of evenings, a couple of afternoons and part of a morning. That is hardly an undue period. It has been said in here, and I regret it—has been said, in fact, by the government House leader—that there was a filibuster under way.

You and I both know, Mr. Speaker, because we are parliamentarians who happen to be interested in this thing, that in a parliament you cannot read a phone book, you cannot filibuster as they can in the American Congress or Senate. In a parliament there is no such thing as a filibuster; in a parliament you must at least address yourself to the matter at hand.

**9:50 p.m.**

Constantly and persistently through the course of the contribution I made, the government of Ontario did not participate a great deal other than to interject from time to time. The table officers and I think they ought to be congratulated for it did what table officers are supposed to do. The Chairman of the committee of the whole House made it a habit to ensure that I was on track, that I spoke about the one bill consistently as I went through my opening remarks.

What happened was an unusual occurrence. We got into that situation because the member from Wilson Heights, the parliamentary assistant to the Minister of Municipal Affairs and Housing, asked for unanimous consent to give some opening remarks. When I said yes, I did not know whether he was going to talk for five minutes or two hours. I have been in estimates where ministers have talked for two or three hours. I found it somewhat difficult to listen to but I listened to it. It is not that hard.

Therefore, I find the motion before us a most offensive one. I find all closure motions of this



ind to be particularly offensive. It is one thing to say, as the British House does, "We have a guillotine rule here and what we are going to do is simply talk bills out." Everybody understands what is going on.

For example, when we have an emergency debate here, we know the rules of the game are very straightforward. One may get to move a motion and he knows he can talk until six o'clock and at six o'clock that will be it for the day. I do not protest that aspect of it for a moment. I understand what we are doing there. However, this motion constitutes a substantive change from the way this House deals with its business. It is incredibly difficult for me to justify, even in a parliamentary sense, why the government would move at this time to put this closure motion on the record. It is not a sensible way to proceed.

It is a sad day for people in Ontario, particularly those in rural Ontario who have some empathy with the people in Vespra township. Their councils have taken the time to express that. Some of them went further. Each day more are telling us that in addition to just being opposed to Bill 142, they are also opposed to the use of closure on that bill.

I suspect in future years this government will be the day it brought this motion before us. I think it is a difficult thing the government has done. It must be difficult for some members opposite, with whom I happen to sit on many committees. I know this is not their choice. I would suspect if a free vote were allowed on this closure motion tonight there would be more than a few members on the government's side who would say, "Boy, I talked to some people back home"—

**Mr. Piché:** The member is dreaming.

**Mr. Breagh:** Why does the member not just leave his way out of the chamber for the rest of the evening and do us all a favour?

**Mr. Piché:** Mr. Speaker, on a point of order: Would it be possible to find out how long the member for Oshawa has been speaking—I know it is over nine hours—and how long he has been abusing the privileges of the House?

**The Deputy Speaker:** Order. The chair will decide who is abusing what. Your point of order is out of order. The member will kindly take his seat and the member for Oshawa will continue with his debate.

**Mr. Breagh:** I would like to know how many warnings the member for Cochrane North gets in here.

**The Deputy Speaker:** Order. Back to the debate, please. The chair will deal with all those other matters.

**Mr. Breagh:** I keep waiting for the chair. I hope I get as many final warnings as that member has had this evening.

**Mr. Martel:** That was his third one tonight.

**Mr. Breagh:** Yes, that is the third time tonight. It seems to me we ought to have a three-times-and-out rule. It would not be a bad idea.

I want to conclude my remarks on this motion.

[Applause]

**The Deputy Speaker:** Order.

**Mr. Breagh:** On the other hand, if it makes the member for Cochrane North happy, I want to continue my remarks for a period.

[Applause]

**Mr. Breagh:** Just a minute, I am getting confused. I think I have the member for Timiskaming (Mr. Havrot) on my side. I certainly do not want to play in that game. The final insult would be if the Minister of Government Services agrees with me about anything; I do not care what it is.

**Hon. Mr. Ashe:** I agree.

**Mr. Breagh:** He and I are not on side on anything.

**Hon. Mr. Ashe:** I would know it was the wrong side if I was on side with you.

**Mr. Breagh:** There is just myself and the member for Durham East (Mr. Cureatz) against him.

Anyway, before I was rudely interjected upon, I was trying to conclude my remarks. I believe this is a sad day for Ontario's Legislature. I believe this motion is one the government is going to hear about for a long time and not only from me. They are going to hear about it from every member of a municipal council, particularly in a rural area, from one end of Ontario to the other.

I want to tell the honourable members opposite, many of whom come from these rural municipalities, they had better get ready. They are going to spend the summer at social events, at strawberry socials. They are going to be at the fall fair in Lambton county, in Simcoe county, in Middlesex county, from one end of this province to the other. They are going to be explaining to members of their local councils why they had to move closure on this bill and why they ignored what their municipalities had to say on the matter.

I know what it is going to be. I am going to put it on the record, then I am going to conclude. I will put even money tonight that the members opposite who have to go back home to the folks and explain to them what they did tonight in this closure motion will say something along the lines of, "It is just one of those stupid things governments do these days." The defence will be that eloquent.

They will say, "I personally did not agree with it but I am a government member and I was told I had to vote for this closure measure." They will say words to that effect. They will be doing that in Tweed, in Picton and all over Ontario all summer long. They will say: "It was not me, boys. I was told by some big wheel in Toronto I had to vote for closure, even though your council told me not to."

They will go back home to events from one end of this province to the other, all summer long, and deny up, down and sideways that they personally had anything to do with this bill. They will be giving all kinds of rationalizations, such as that they voted for closure tonight because the honour of some minister was at stake. What malarkey. Some of them will probably say the future of the government of Ontario was in their hot little hands tonight and if they had not stomped all over Vespra township, somehow the Big Blue Machine would fall apart.

The nonsense will continue for some time. I will be interested, as I go around municipalities this summer, to hear the feedback I get from local councillors who ask their local Tory member: "What in the world did you do on Bill 142? Why in the world did you have to invoke closure on a bill like that?"

I am going to gather up a bunch of those responses. If the government members did not like the nine hours I had in this spring session, I want to put them on notice now. They had better be very careful of the kind of baloney they spread around Ontario this summer to justify using closure on a bill like this, because I am going to slice it up and bring it in here for them and they are going to listen to it next fall.

Interjection.

**Mr. Breagh:** I think there will be some.

**Mr. Piché:** The member should quit while he is ahead.

**Mr. Breagh:** The member for Cochrane North has managed yet another interjection, brilliant as always.

I want to conclude by saying that what the government is doing tonight is totally indefensible. I will watch over the summer period

how they move to defend the indefensible. The government members should watch what they say when they are out around the cow barns this summer because, if I hear what they have to say when I hear their denials of any responsibility for standing up and voting for this closure motion they are going to listen to it all fall long.

What is more important is not that I will repeat it for the edification of the Legislature. It is that people who live in their communities will know because we are going to make the government members stand up and vote on this one tonight. We are going to put their names on the record and we are going to tell their constituents what they did to rural Ontario, what they did to Vespra township—

**Mr. Piché:** The member can start by putting my name on the record. It is spelled P-i-c-h-é.

**The Deputy Speaker:** Order.

**Mr. Breagh:** That is not bad.

**Mr. Martel:** Is that the last warning again?

**The Deputy Speaker:** It is only when he does not come to order that he has a problem.

**Mr. Breagh:** He is lurching about in his seat over there. If he does not get his seat belt on shortly—

**The Deputy Speaker:** Back to the debate.

**Mr. Breagh:** Let me conclude with this. It is unfortunate we are put in this position. No amount of rationalizing in the world will explain it to ordinary people who think government ought to do sensible things. This is not sensible. It is insensitive and inappropriate. It is plain stupid.

**10 p.m.**

It is something which, as an opposition member, I should greet with great glee because like regional government and a number of other matters, it will point out to people in Ontario that this government, which pretends to be a friend of rural Ontario, is no friend at all. I do not rejoice in that for a moment, because I am aware of the pain and suffering that will occur to the people of Vespra township for a long time over this bill.

I regret that. I oppose the motion for closure in front of this Legislature. I will oppose the vote on this closure motion when it is called later this evening.

**Hon. Mr. Bennett:** Mr. Speaker, I have listened to a number of remarks concerning the sequence of events relating to the annexation.

**Mr. Haggerty:** Is this closure yet, Mr. Speaker?



**The Deputy Speaker:** Order. The minister has the floor.

**Hon. Mr. Bennett:** Let us deal with the issue that seems to be paramount in the minds of most. Just to preface it, we have looked at the boundaries; we went to committee. The committee reported back on an adjustment of the boundary; this was exactly what we expected it to do, because we had said we were drawing a boundary for the greatest area possible and there would be some reduction. This was done through a public forum; there was an opportunity for many to take part and to be heard in the debate.

But the area that seems to be causing some concern is about whether we have been in a position of negotiating with Barrie, with Vespra and the province. Let us go through a little bit of the history. This will answer some of the remarks made by the member for Oshawa not only tonight but in past opportunities to speak on this bill.

Back in 1976-77, Barrie made an application to the Ontario Municipal Board. During the time that Barrie's application was before the board the then minister, Mr. McKeough, met with Vespra and council on several occasions to explain the government's position on the application and offered financial assistance should annexation result in a substantial loss of assessment to Vespra. That letter was on September 30, 1976, which again was followed by letters on January 5, 1977, and October 26, 1977.

I quote from one of the letters Mr. McKeough sent, that of January 5, 1977, "It is regrettable that it was not possible for the municipalities to come to an agreement among themselves and to avoid the expensive and divisive methods in which everyone is now involved."

Let me move on to 1980-81. Vespra asked to be included in the Barrie-Innisfil negotiations. On November 15, 1980, while the Ontario Municipal Board decision was before the Supreme Court and Barrie and Innisfil were negotiating an agreement, Vespra wrote to the Premier requesting that the township be included in the boundary discussion. The reeve's letter characterized the board's proceedings as "totally fruitless, exorbitantly expensive and extremely time-consuming."

The Premier responded to the reeve on December 8, 1980, indicating that a provincial negotiating team would be established if both municipalities requested it. While Barrie favoured the approach, Vespra did not. Obviously the negotiations proceeded informally without provincial involvement.

On February 18, 1981, Vespra wrote the minister as follows: "We are totally unable to accept Barrie's position paper as a basis for negotiations. As such, it must be regrettably accepted that there is no alternative but to allow the matter to return to the municipal board."

Then Barrie suggested in a very positive way that the province step in, and Vespra disagreed. On March 19, 1981, responding to the March 6 invitation from Barrie, the reeve wrote to the Barrie mayor: "I regret that we are still not prepared to accept provincial involvement to the extent referred. We had felt that we had made our position in relation to this aspect of the matter very clear to you."

Then we moved on to October 14, 1981. This was getting close to the time when Barrie and Innisfil were reaching an agreement. The minister of the day wrote:

"Now that Barrie council and Innisfil council seem to be near an agreement, it would be unfortunate if the other boundary issue in the area were not also resolved. I know efforts have been made to agree in the past, but I hope that a further effort will be made. I am willing to provide a senior member of my staff as a mediator to try to bring the parties together. I have sent a similar letter to Mayor Archer and would ask that you speak to each other on this matter in the near future and get back to me."

The city urged the acceptance of the minister's offer on October 23, 1981, in a letter that the mayor of Barrie sent to Reeve Buie of Vespra. Vespra requested clarification, suggested that any settlement wait until the agreement between Barrie and Innisfil had concluded and admitted, "We frankly do not know any longer what it is that we are supposed to be negotiating that may require the services of a mediator." That was in a letter from the reeve to the minister on October 28, 1981.

On November 11, 1981, Vespra wrote the city indicating negotiations were premature, and their dislike of the idea of a provincial mediator was underlined.

Let me move on to 1981-82, to the introduction of the Municipal Boundary Negotiations Act, Mr. Speaker. On November 18, 1981, the township forwarded a brief to the minister supporting the introduction of the Municipal Boundary Negotiations Act. Council claimed to be appalled with the Ontario Municipal Board process which, far from finding an acceptable solution, had created expenditures which council neither asked for nor wanted. The township congratulated the province for bringing in the



legislation and attempting to find some far more acceptable and civilized method of resolving these issues than has existed to date.

On December 2, 1981, the minister wrote the municipalities encouraging negotiations and offering the services of the newly formed municipal boundaries secretariat. I am sure the member for Brant-Oxford-Norfolk knows a great deal about that. The township responded on January 12, 1982, requesting further clarification.

On February 2, 1982, the Municipal Boundary Negotiations Act was proclaimed. On February 5, the minister suggested it was time the municipalities met with the director of the secretariat, Mr. Isaac. He wrote, "I have asked Mr. Isaac to contact you as soon as possible to arrange a suitable meeting date." Three days later, February 8, the city applied under the act, but Vespra responded by threatening court action to prohibit Barrie from proceeding.

On February 18, 1982, Vespra advised the minister that the council "never has accepted nor, in the view of the recent developments, does it now accept that Barrie is entitled or justified in attempting to annex any lands whatsoever from the township of Vespra." Then, in a letter to all the taxpayers in the township released that same month, council explained it was not going to tolerate interference in its affairs either from a neighbouring municipality or from the province.

On March 4, 1982, we received a letter from the legal counsel of the township which was sent to Mr. Isaac, director of the boundary negotiations secretariat, indicating any discussions or meeting would be premature and serve no useful purpose. Further, any correspondence between the secretariat and Vespra should be channelled through the lawyer's office.

Then, in the spring of 1983, as members all know, Barrie once again applied to the OMB for a further hearing.

**10:10 p.m.**

Back on December 6, 1983, I introduced the bill in this Legislature. I said at that time:

"I take the view that there is no prospect of negotiating a solution. In my view, legislation is the only way to conclude the matter. In the process, there will be time allowed in committee for further input and debate on the location of the new boundary and an opportunity for those citizens who wish to be heard to state their views.

"The bill to be presented today provides the basis for a solution, with details to be refined following debate before committee...."

The actions that the government took in allowing the bill to go to committee and to the

very area we were dealing with showed the government was prepared to listen to any convincing argument in committee as to why the lines should be varied.

The member for Oshawa made a number of remarks that were positive in relation to the line. He said we had decided we would have a boundary line drawn in the bill. We said very clearly and distinctly, and the member mentioned it today—this goes back to the time we were bringing it into committee—that the boundary line was not drawn as a heavy black red or blue line, so it allowed for a great deal of flexibility.

The member for Waterloo North (Mr. Epp) has also spoken of the boundary line and the flexibility. He had some remarks to make in relation to that.

I say clearly to this Legislature that we have had a number of opportunities and we have presented a number of opportunities since December 6. We have asked Barrie-Vespra to meet with us. We have tried to find a way to resolve the problem. With all the dates, letters, correspondence, negotiations and discussions that have been conducted in the past, there is no willingness to sit down and try to find some way of resolving the problem.

The member for Oshawa suggested there has been a request from the municipalities for negotiations. The Liberal critic contends: "The ministry wants the township to sit down and negotiate and accept the principle that Barrie needs this 2,000 acres of land. The township is not prepared to accept that." I think the member will recall that from June 4 of this year.

There have been several offers of assistance. The local member, the Solicitor General, relayed an offer of the provincial government relating to assistance back on January 9. That was again, I want to recall for the convenience of this House, repeated throughout the committee meetings. At the March 21 meeting, convened by the Solicitor General, Vespra took the position confirmed by its letter that it would listen but would not comment. Following that meeting of March 21, I asked the assistant deputy minister, Mr. Fleming, about whom members of this House have spoken in glowing terms, with the ability to—

**Mr. Martel:** Are you speaking to the motion?

**Hon. Mr. Bennett:** Yes, I am; very much so. This is the reason the member is debating whether we have gone through the negotiation process.



**Mr. Martel:** You are not speaking to the motion.

**Hon. Mr. Elgie:** It is the reason for the motion.

**Hon. Mr. Bennett:** That is right.

**The Deputy Speaker:** Order. I could not help overhearing the member's interjections, but I also listened to the honourable members developing the debate. It was much along the lines the minister is following now.

**Hon. Mr. Bennett:** I suggested that, following that meeting of March 21, Mr. Fleming go to see the city, the county and the township to exchange information on the estimated impact and projected cost of annexation. While some questions remain on specifics, the stage is set for negotiations.

I want to suggest positively to this House that we have received a proposal from the county in trying to arrive at a financial settlement that we are seriously considering. If Vespra had been as willing to put forward some suggestions as the county has, we could have found ourselves in a similar position in trying to resolve the problem. There has been no movement by Vespra whatsoever in indicating what it believes it is entitled to, as a result of annexation, from either Barrie or the province.

The time for any financial agreement remains entirely—and I want to suggest this positively—within the initiative of the local municipality. I repeat, since December 6 we have tried to find a way of bringing Vespra to sit down and review, discuss and negotiate the financial responsibilities. It is virtually impossible to conclude negotiations when one of the parties does not want to be at the table or even to indicate it is prepared to come with a written submission as to what it can do.

I have said it in this House, in committee and in estimates, and I defy anyone to argue the point, that this province has been committed to fair and equitable compensation, calculated without prejudice to the political stance taken by the township in opposition to the bill. We have said clearly and fairly that we will deal with Vespra in a very open and forthright fashion.

When I look at what the mayor and the reeve of Innisfil said at the hearings, it was a very positive statement. I think the member for Brant-Oxford-Norfolk has to say, in the negotiations in his part of the province, that while there were some disputes over some finite items, basically there was full acceptance that the province had dealt with them fairly and openly.

The member for Brant-Oxford-Norfolk came to me on more than one occasion to try to see if we could smooth it out. I did not think I was being a dictator at that time in any way, shape or form. I was wide open to the member's suggestions and views, even though he is in opposition.

He made suggestions to me. He brought the mayor and the reeve and various others to negotiate with us. We tried to find a very reasonable solution, not only to the financial problems but to some of the other servicing problems they were experiencing in that community. I was open, free, willing and able to give them what I felt was a reasonable solution to the problem. Indeed it must have been, because they ultimately accepted it. That was not under strain or duress, I can assure the House.

Bill 142 will allow us an opportunity to formalize the commitment and also to clearly indicate our obligation. It is not spelled out in dollars because we have not had the opportunity to negotiate it.

On December 6, I suggested very positively to the representatives of Vespra and Barrie when they met in my boardroom with people from my ministry, that we could very well find ourselves at a financial position before the bill received royal assent if they would sit down and negotiate. That was not to be.

I want to conclude with one other remark in relation to questions raised as to how the sequence of events took place in December. We have been under this uncertainty for a long time; some 10 years. There have been some complications. There have been OMB hearings. In each case, the OMB did not dispute that Barrie was entitled to the land. We did get involved in some finite problems within the law, for which lawyers are paid to take it through the various court systems.

Ultimately, if we look at the hearings, the court orders and the OMB, there was never a dispute as to whether the land should go to Barrie or not; it was on some technicalities in getting it to where it happened to be at that particular moment.

In December, on the day I was introducing the bill, a week or 10 days prior to Barrie and Vespra coming in to see us, there was a great deal of speculation—as the member for Oshawa and others will recall—as to what was going to be the final position. We were now being drawn close to the hour of decision. If it did not conclude by February, under the old negotiation position, the



whole act fell into disarray and we would have to start over from day one.

I said very clearly to Vespra and others we were not going to allow a 10-year effort to go by the boards because of a date in February. I was going to have to take some other action. The mayor and the reeve were well aware of what those actions ultimately had to be.

When I drew those communities into the boardroom for discussion, we went through the whole sequence of events. No one argued with that. They knew very well they had already spent millions of dollars both from the local taxpayers and from the provincial government. Indeed, they had spent far beyond anything realistic, even in trying to arrive at a settlement.

**Mr. Nixon:** All those lawyers lugged the money back to Toronto.

**10:20 p.m.**

**Hon. Mr. Bennett:** I will not deny that, but that is the wish of the local government to hire whomever they wish. I guess they felt the best legal counsel was here. I have nothing to say about that. That was their choice as to who they hire as legal counsel.

On the particular day they came in, I had indicated to Barrie and to Vespra what we were going to do. The member for Oshawa then asked how certain events took place so quickly. Obviously, Barrie's solicitor was advising them on what was likely to happen just from reading the newspapers. At the conclusion of the meeting, on December 6, 1983, the city of Barrie handed me a letter which clearly indicated their interest in withdrawing their objection to the ministry's zoning orders. That was the sequence.

A day later, I then took the initiative to withdraw the ministry's zoning order after I had placed the bill in the House. Two or three days later, Cadillac Fairview made their application for a building permit to construct the \$20-million addition to that particular shopping centre. Very clearly, we had that sequence of events.

Just to respond to one other remark, the member from Haldimand-Norfolk said we had not taken the actions to try to curb some of these developments on the municipal boundaries, that we had allowed them to go on unabated. He knows that is not correct.

**Mr. Nixon:** I do not know it is not correct.

**Hon. Mr. Bennett:** Yes, the member said that earlier tonight, but he knows it is not correct.

We placed 79 ministerial orders in this province to prohibit the development of any shopping centres on the perimeters of major

urban areas in recognition of the planning policies of this province which would allow major urban areas to develop the major shopping areas; not the rural areas, but the area that bears the cost of servicing. We made 79 orders.

I will admit there were several horses that very clearly got out of the barn before the action was taken. We did take the initiative to do it.

My last remark—

**Mr. Martel:** Go ahead, we have all night.

**Hon. Mr. Bennett:** I do not have the ability of the member for Oshawa to continue for nine hours without a glass of water.

I want to respond to the charge that urban municipalities automatically get the rural territory they request with one example. In 1973 when the government announced the details of the new Durham regional government proposals, members of Oshawa city council were quite displeased about not getting the western 10 lots of Darlington township, rural territory Oshawa wished to service and see developed.

Council voted to send a letter of protest and a delegation to Queen's Park. The member for Oshawa may recall that the young councillor who introduced the motion of protest was, if I understand correctly from the historical records, they are 10 years old, so they must be historic but now—none other than the current member for Oshawa.

It goes to show we do not take that particular position.

**Mr. Speaker,** I move the motion for a vote.

**Mr. Deputy Speaker:** Hon. Mr. Bennett moves the motion in accordance with standing order 36.

I have no alternative but to put the question in accordance with rule 36.

**Mr. Epp:** Mr. Speaker, on a point of order.

**Mr. Deputy Speaker:** There is no point of order. Standing order 36 clearly states that upon putting the question—

**Mr. Martel:** The guillotine. There is a rule in the book. You can quote that one, but you could not quote the other one.

**Mr. Deputy Speaker:** The previous question is well provided for without notice or a second and there is no debate permitted.

**10:34 p.m.**

The House divided on Hon. Mr. Bennett's motion, which was agreed to on the following vote:

**Ayes**

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Brandt, Cousens, Cureatz, Dean, Dre...



Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Havrot, Hennessy, Hodgson, Johnson, J. M., Kells, Kennedy, Kerr, Kolyn, Lane, Leluk;

McCaffrey, McCague, McEwen, McLean, McMurtry, Mitchell, Norton, Piché, Pollock, Ramsay, Rotenberg, Sheppard, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Timbrell, Treleaven, Walker, Wells, Williams, Wiseman, Yakabuski.

#### Nays

Allen, Breagh, Bryden, Cassidy, Charlton, Conway, Copps, Edighoffer, Elston, Epp, Haggerty, Johnston, R. F., Kerrio, Martel, McGuigan, McKessock, Miller, G. I., Newman, Nixon, O'Neil, Renwick, Riddell, Ruston, Swart, Sweeney.

Ayes 52; Nays 25.

10:39 p.m.

The House divided on Hon. Mr. Wells's motion, which was agreed to on the following vote:

#### Ayes

Andrewes, Ashe, Baetz, Barlow, Bennett, Bernier, Brandt, Cousens, Cureatz, Dean, Drea,

Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Hennessy, Hodgson, Johnson, J. M., Kells, Kennedy, Kerr, Kolyn, Lane, Leluk;

McCaffrey, McCague, McEwen, McLean, McMurtry, Mitchell, Norton, Piché, Pollock, Ramsay, Rotenberg, Sheppard, Shymko, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Timbrell, Treleaven, Walker, Wells, Williams, Wiseman, Yakabuski.

#### Nays

Allen, Breagh, Bryden, Cassidy, Charlton, Conway, Copps, Edighoffer, Elston, Epp, Haggerty, Johnston, R. F., Kerrio, Martel, McGuigan, McKessock, Miller, G. I., Newman, Nixon, O'Neil, Renwick, Riddell, Ruston, Swart, Sweeney.

Ayes 54; nays 25.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, tomorrow afternoon we will continue with consideration of Bill 142 in committee of the whole House.

The House adjourned at 10:43 p.m.

CONTENTS

Monday, June 25, 1984

Government motion

**Time allocation**, resolution 8, Mr. Wells, Mr. Nixon, Mr. Martel, Mr. R. F. Johnston, Mr. Riddell, Mr. Piché, Mr. Breaugh, Mr. Bennett, agreed to..... 28

Other business

**Business of the House**, Mr. Wells ..... 28  
**Adjournment**..... 28

SPEAKERS IN THIS ISSUE

- Ashe, Hon. G. L., Minister of Government Services (Durham West PC)
- Bennett, Hon. C. F., Minister of Municipal Affairs and Housing (Ottawa South PC)
- Breaugh, M. J. (Oshawa NDP)
- Charlton, B. A. (Hamilton Mountain NDP)
- Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)
- Epp, H. A. (Waterloo North L)
- Haggerty, R. (Erie L)
- Havrot, E. M. (Timiskaming PC)
- Johnson, J. M. (Wellington-Dufferin-Peel PC)
- Johnston, R. F. (Scarborough West NDP)
- Jones, T., Deputy Speaker and Chairman (Mississauga North PC)
- Kerrio, V. G. (Niagara Falls L)
- Kolyn, A. (Lakeshore PC)
- Martel, E. W. (Sudbury East NDP)
- Nixon, R. F. (Brant-Oxford-Norfolk L)
- Piché, R. L. (Cochrane North PC)
- Riddell, J. K. (Huron-Middlesex L)
- Sterling, Hon. N. W., Provincial Secretary for Resources Development (Carleton-Grenville PC)
- Timbrell, Hon. D. R., Minister of Agriculture and Food (Don Mills PC)
- Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)





# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Tuesday, June 26, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, June 26, 1984

The House met at 2 p.m.

Prayers.

## INTERNATIONAL PLOUGHING MATCH

**Mr. McKessock:** Mr. Speaker, the members may have noticed on their desks yesterday a letter and a lapel pin announcing the 1984 International Ploughing Match in Wellington county. This letter extended an invitation to all members from the member for Wellington South (Mr. Worton), the member for Wellington-Dufferin-Peel (Mr. J. M. Johnson) and me. Each one of us represents part of Wellington county here in the Legislature.

The exact site of the match is in Minto township, the part of the county I represent, and the exact site in the township is the farm of J. D. Ross and sons. The Ross family are known as outstanding farmers in Wellington county and also as outstanding Liberals.

The plough was a tool that helped over the years to open up this country. It was used in the early days not only to break the soil but also to plough in potatoes in the spring and plough them out in the fall. It was, so to speak, the beginning of life in the country.

This may have been a problem when one of our lately urban residents joined the farming community to become a farmer. He went to the chick hatchery to pick up his box of spring chickens, and two weeks later he went back to the hatchery and said he needed another box of chickens. The hatchery owner asked: "Why is this? Did the other ones not do well?" He said: "No, I cannot understand it. I planted them either too deep or too far apart."

I know that if the members will turn out for the ploughing match, which is going to be held from September 25 to 29 in Wellington county, they will learn a lot of these things. They will learn what the plough is for and how to use it, and they will not make mistakes as our friend did in this case.

There will be more than 500 exhibits there by people from all across the province and there will be 150,000 people attending. We would like the members to be among them, but most of all, we are inviting members to join in the competition put on for members of Parliament and members of the provincial parliament in Ontario. The

winner last year was my seatmate the member for Haldimand-Norfolk (Mr. G. I. Miller), and we want to see that he is not the winner this year. We would like to see somebody such as the Minister of Labour (Mr. Ramsay) or the Attorney General (Mr. McMurtry) there to challenge the member for Haldimand-Norfolk this year.

We look forward to seeing all members at the ploughing match this fall in Wellington county.

**Mr. J. M. Johnson:** Mr. Speaker, I rise on the same point of privilege, if indeed it is a point of privilege. I think it is a legitimate privilege for me as well as the member for Grey (Mr. McKessock) and the member for Wellington South to invite my colleagues to attend the ploughing match.

I think it is only fair to point out that three or four years ago, when Wellington competed with Grey and some of the other counties for the privilege of hosting this ploughing match, the member for Grey supported Grey and I supported Wellington. It did arrive in Wellington, but though I have several townships in Wellington, it unfortunately ended up in the portion of Wellington that the member for Grey represents, the only township he has in Wellington.

**Mr. McKessock:** On a point of privilege, Mr. Speaker: I want to point out that when the challenge was on for the location of the ploughing match, I wore two hats that day. Maybe the member for Wellington-Dufferin-Peel did not notice, but I supported Wellington and I also supported Grey.

**Mr. J. M. Johnson:** I would simply like to issue a challenge to my colleagues in the House to come to Wellington and participate in the MPPs' class. I finished ninth or 10th last year down east. I have tried to improve my position. It was a very large field, and I hope it will be equally large this year.

The member for Hamilton Centre (Ms. Copps) is not in the House now, but last year she was concerned because the invitation went out to members and their wives. This year it has gone out to members and their spouses, so I hope all members and their spouses will attend.

In conclusion, I would like to say on behalf of the president, David Craig, that we would like



members to come to Wellington and enjoy our hospitality in this our bicentennial year.

**Mr. Swart:** Mr. Speaker, I want to rise and say, after the members of the other two parties, that I accept the challenge; I will be there. I will also say that we in this party accept not only the challenge at the ploughing match but also that of improving the lot of the farmers generally throughout this province.

### FRENCH LANGUAGE RIGHTS

**M. Cassidy:** M. le Président, sur un point de privilège: J'aimerais souligner la décision de la Cour suprême qui vient d'être annoncée ce matin en ce qui touche à la référence sur les droits de l'éducation des Franco-Ontariens. Je crois que c'est important pour toute la Chambre le fait que la Cour suprême à l'unanimité a déclaré oui aux quatre questions qui ont formé le sujet de cette référence et, donc, a aussi appuyé la position qui a été prise par le député de York South (M. Rae) de la part du Nouveau Parti Démocratique dans notre intervention devant la Cour suprême.

Mr. Speaker, I just wanted to underline for members of the Legislature the unanimous decision of the Supreme Court of Ontario this morning in the reference of French-language-education rights, in which the court has ruled unanimously that sections 258 and 261 of the Education Act are in conflict with the Canadian Charter of Rights and Freedoms because of the degree of discretion given over French-language education to school boards and the lack of the power to manage their own education given to Franco-Ontarians. The court has ruled that minority language rights ought to apply to both the public and the private Catholic education systems here in Ontario.

I would say on behalf of the New Democratic Party that in view of this historic court decision it is time for the government to go the second mile and take steps now to declare Ontario officially bilingual, to opt Ontario into the Canadian Charter of Rights and Freedoms in respect of French language rights and then to take the necessary actions to amend the white paper and come up with a scheme for French-language education that will be wholly and completely within the system of rights and laws as delineated by the Supreme Court of Ontario.

2:10 p.m.

### ORAL QUESTIONS

#### FRENCH LANGUAGE RIGHTS

**Mr. Peterson:** Mr. Speaker, in the absence of the Premier (Mr. Davis) and the Minister of

Education (Miss Stephenson), I will address a question to the Minister of Intergovernmental Affairs with respect to this issue. He is no doubt aware of the Supreme Court of Ontario decision of today referred to by our colleague. He is no doubt also aware that the position was put forward and ably advocated by my colleague the esteemed lawyer and member for Ottawa East (Mr. Roy), who represented our party at those hearings. The court in its wisdom agreed completely with my colleague at that point.

Now that the Supreme Court has judged that the francophone minority has the right to its own language and class of instruction in French language educational facilities and that there should be changes on the school boards, will the minister, as the minister responsible, undertake immediate action to implement that decision of the Supreme Court?

**Hon. Mr. Wells:** Mr. Speaker, I have not had an opportunity to read the decision yet. My colleague the Attorney General (Mr. McMurtry) has it before him and has perused it.

In my discussions with the Attorney General and with others this morning, I gather from the decision that the court gives assent to the course of action this government announced quite some time ago, that is, to amend the Education Act to remove the "where numbers warrant" clause. We had that amendment ready but, in deference to the court, we did not introduce it until the court's decision had been brought down. I understand that is the intention of the Minister of Education to introduce that amendment to the Education Act tomorrow, when she will be back in the House.

In so far as the governance of the schools is concerned, that is, French-language representation and control or governance of the programs in the schools, without reading the report, the impression I have gained from those who have had a chance to read it is that it pretty well parallels the kinds of things put forward by this government in our white paper, which is now the subject of consultation among school boards. That process has begun. As soon as the consultation is finished—I would say when the House comes back in the fall—I think it is the intention of the Minister of Education to bring in some legislation based on a consensus.

As I recall, the member for Oshawa (Mr. Braugh) said we should be able to sit down over the summer and work out a lot of issues. This is one issue on which we are going to sit down and work out an answer. The member should please remember it is going to take the summer for that consultation process to be completed and then



are a number of parties concerned, not the least being the school boards of this province. Everyone has been promised a chance to consult and to work out some solution to this problem, and I think that can be done.

**Mr. Peterson:** The minister may have anticipated the Ontario Court of Appeal's decision in his suggestions of March 23, 1983, even although a number of the suggestions in the white paper have not been acceptable to a number of the people involved. Although it appears they do now satisfy the charter, they are still, as I said, unacceptable to a number of the participants. This gives us an opportunity to involve ourselves in a new consultative process with respect to the representatives of francophones on school boards.

Would the minister consider this summer involving a select committee of this House to deal with that decision and with the white paper proposals, as well as with the disgruntled parties, to develop a consensus so that the white paper proposals, unacceptable as they are, are not rammed down the throat of this Legislature without consultation?

**Hon. Mr. Wells:** A couple of things have to be said. First, my colleague the Attorney General reminds me that this decision may be appealed and therefore—

**Hon. Mr. McMurtry:** By the Franco-Ontarian associations.

**Hon. Mr. Wells:** Yes.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** This decision may be appealed by the Franco-Ontarian associations in this province, in which case the Supreme Court of Canada will ultimately hear it.

As far as the proposals in the white paper are concerned, those proposals were put out to consultation committees and to a committee of school boards in this province to which they would have to apply. As I recall it, those school boards came back at a meeting a few months ago and said one solution was probably not the correct answer for this province and it might be that in some areas certain solutions might apply and in other areas other solutions might be the way to handle the problem. They were told to come back again and continue the consultation. I think that has to occur before this Legislature becomes involved in the total process.

The school boards and the Franco-Ontarian trustees' association are now working on that. I am sure my friend the Leader of the Opposition

has every confidence that those bodies can work something out. When they have worked that out with the ministry, we will have an opportunity to bring proposals into this House. Then a committee of the Legislature and all members will have a chance to bring their expertise to these matters.

However, I think it is a little premature. It would not be wise at this time to involve a committee of the Legislature in a process dealing with proposals that have already been discussed and are being discussed by the people directly affected—the Franco-Ontarians, the Franco-Ontarian trustees and the school boards of this province.

**Mr. Cassidy:** Mr. Speaker, can the minister explain why the government would even contemplate the possibility of an appeal against this judgement of the Supreme Court of Ontario, when what is required is to implement a system of French-language education that will come within the Charter of Rights and Freedoms and give to Franco-Ontarians, a century and a quarter after Confederation, the rights that should have been theirs a long time ago?

Why is the government's instinct always to consider trying to appeal or to beat back or to go back into history, rather than moving forward and ensuring that justice is finally done to Franco-Ontarians in education in Ontario?

**Hon. Mr. Wells:** Mr. Speaker, my friend must have misunderstood what I said. Let me make it clear that this government is not considering appealing the decision. There is a possibility, and it has been rumoured, that the Franco-Ontarian associations of this province may appeal the decision because they do not agree with one of the basic premises, namely, that they have separate homogeneous French-language school boards. There remains the possibility they may wish to appeal the decision, but I want to make it very clear that it is not the government's intention to appeal the decision. It may be that the decision will be appealed by someone else, in which case the matter will be in the courts for quite a while.

**Mr. Peterson:** We can stand on that or we can move ahead and legalize the current composition of the boards. Surely we have enough evidence at this point to move on these matters. I am asking the minister, who, to be charitable, is more sensitive to these issues than some of his colleagues and who has demonstrated personal leadership, to use his good offices to persuade his colleagues to start those dialogues now.

He should not wait for the appeals, which probably will not be forthcoming, but should



move ahead to make sure we can have meaningful legislation in the fall after full consultation. I again recommend to the minister the mechanism of a select committee that will make sure all the parties are heard on this sensitive issue, so we can move ahead with dispatch and not involve ourselves with any more half-baked proposals.

**Hon. Mr. Wells:** I can assure the Leader of the Opposition that consultation is going on. We have heard a lot during debates in the last few days about involving people at the local level. As I recall, there are 19 school boards in this province where the new arrangements will have to take place. As they discussed the white paper, they all had suggestions about how it could work and how they would like to see it differ a little from the suggestions in the white paper.

As I said earlier, the suggestions about how it could work in different areas of the province are different. I am not sure whether that is the course of action we should take, but it may be that in the Ottawa-Carleton area one form of governance and representation on the school boards for Franco-Ontarians would apply, and it may be that in other parts of the province, such as Metropolitan Toronto, something different should be the model that is followed.

2:20 p.m.

I was not at any of those meetings, but I recall from the reports I got that this was the tenor of the discussions. It was suggested those discussions should continue, and they are continuing, until some kind of proposal is brought forward that the ministry can put into legislation. I probably believe in consultation more than my friend does and I think that is the right course of action now.

The Franco-Ontarian trustees and the school boards affected should try to see whether they cannot come up with models that will be workable. They know they had the support of this government in the general premise that was in that white paper.

#### HOSPITAL BEDS

**Mr. Peterson:** Mr. Speaker, I have a question for the Minister of Health. I have in my hand a letter from Dr. John S. Marshall, MB, Ch.B, whatever that is, from Queen's University, Kingston General Hospital.

He has sent this letter to his patients saying, "Dear Sir or Madam." I will not go through the entire letter with the minister, but he talked about the unavailability of beds in the Kingston area. He talked about the rationalization process.

He said: "The effects of these policies will vary greatly from one medical service to another.

It seems probable that your waiting period"—he writing to patients—"will be significantly prolonged because of ministry policies."

He then goes on to suggest that his patients become lobbyists. He suggests that they write the attached list of people, a number of members of parliament, to put pressure on the government for adequate hospital beds in the Kingston area.

Does the minister really want this system to deteriorate to the extent that doctors have to turn patients into lobbyists to try to persuade him, the minister, to do what he should be doing?

**Hon. Mr. Norton:** I suppose the short answer, Mr. Speaker, is no. I do not recall actually seeing that letter to which the member refers, nor have I received a ground swell of correspondence from Dr. Marshall's patients.

I must say I am in regular communication with the boards and the administration of the hospitals in my constituency. I am quite aware of what the bed ratios are there. In fact, we are fortunate in Kingston. The ratios in my community happen not because of any action on my part, to be above the provincial targets. There is no shortage of hospital beds—either acute care, chronic care or extended care—in Kingston.

That does not preclude physicians, such as Dr. Marshall, from pursuing their own particular agenda. Dr. Marshall may well have an agenda he wishes to pursue.

**Mr. Peterson:** If the minister reads Dr. Marshall's letter he will see that he fundamentally disagrees with him when he says: "The financing policies of the government, and the increasing work load at the Kingston General Hospital, have resulted in severe budgetary shortfalls at the hospital."

He then goes on with this plea to his patients to try to put pressure on the government. Obviously, if he has chatted with the minister he has been frustrated in so doing. The minister probably gave him the same kinds of answers that we give us.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** Ultimately one gives up, either out of boredom or sheer frustration from not getting any facts out of the minister at all.

I refer the minister again to the Ottawa situation where the board chairman of the Royal Ottawa Hospital said people are being turned away. He said, "Royal Ottawa needs more hospital beds because people are going to become newspaper headlines" because of the budgetary shortfalls and the lack of beds in the area. He said, "Every day the emergency unit



filled to the brim and people have to be turned away."

**Mr. Speaker:** Question, please.

**Mr. Peterson:** Is the minister persuaded now that there is a real shortage of acute hospital beds in those two areas, and others as well? When is he, as the minister, going to admit there is a problem and then go on to address it?

**Hon. Mr. Norton:** Mr. Speaker, the member may or may not be aware that within the last couple of weeks we announced the approval of a further 80 beds at the Ottawa General Hospital.

**An hon member:** It paid for them.

**Hon. Mr. Norton:** They are paid for but with money from the provincial government. It will be paying for them with money that is already in its budget.

When those beds come on stream, Ottawa will be in a situation where it will be exceeding the provincial guidelines in terms of the number of acute care beds in that community.

There has been some dispute of that by an official with the Ottawa-Carleton District Health Council, although I am sending a letter to him shortly to point out that the data he is using are about three years old and are not current.

The situation at the Royal Ottawa Hospital is the only request, to my knowledge, that we have had. The request from the Royal Ottawa is for 29 intermediate-stay psychiatric beds—their predicted need. I am not questioning that, but it is not a question of the beds not being available. It is a result of the particular patterns of practice of the psychiatrists in that area. It is their preference that intermediate-stay beds be provided within the Royal Ottawa rather than referring those patients to the Brockville facility.

We are reviewing that at the present time. I hope we may be able to meet that request, but it does not have the urgency of some of the other requests that have come in—even from that community. We are not talking about the absolute lack of an alternative in that instance, but we are looking at their 29-bed request very seriously.

**Mr. O'Neil:** Mr. Speaker, one of my constituents received a similar letter last week and I took the liberty of calling her today. I spoke with her husband and he told me his wife had received a letter and had just been taken into the Belleville General Hospital as an emergency patient yesterday. It was more or less a form letter so I do not know how many people it has gone to in my riding and in other ridings.

My constituent was told by this Dr. Marshall that his wife had very serious problems. She had arteries that were very seriously blocked and she could die at any time; it was a very serious condition. He was very upset that he had not been able to get her into the Kingston General Hospital for this operation.

I feel it is a very serious situation. Would the minister look into this case? We wonder how many other similar cases there are, where people are prevented from going into hospitals to have these serious operations that are required right away.

**Hon. Mr. Norton:** Mr. Speaker, of course I would be prepared to look into any situation the honourable member may regard as an emergency.

It would not be the first time I have done so in response to similar kinds of requests from within the community. Invariably when I have looked into the matter, the case has been reviewed by the medical staff at the hospital. Such reviews are done on a daily basis, and the opinion of the medical staff is not, in most instances, consistent with that of the individual physician who raised the issue.

If an individual on a waiting list for an elective procedure is perceived by his or her physician to be in an emergency or deteriorating situation, the individual has the opportunity to bring that matter before the medical staff at the hospital. The person can be leap-frogged up the waiting list if it is an emergency situation.

There will be differences of opinion among medical professionals. However, the decision to admit or not to admit an individual to a hospital is a medical decision; it is not a decision of the Ministry of Health.

**Ms. Copps:** Don't blame the hospitals; don't blame the medical staff. It is a decision of the ministry.

**Mr. Speaker:** Order.

#### WAITING PLACEMENT FEE

**Mr. McClellan:** Mr. Speaker, I have a question for the Minister of Health. It arises from a question raised last Thursday by my colleague the member for Windsor-Riverside (Mr. Cooke) with respect to the waiting placement fees being charged by a number of Ontario hospitals. Members will be aware from press reports that Ontario has ordered hospitals that are charging the waiting placement fees to stop charging them on the grounds that it is contrary to government policy. According to Mr. Doug Enright, as



quoted in the Toronto Star, such fees are prohibited under the new Canada Health Act.

When did the minister or his officials first learn of the existence of the waiting placement fees charged by certain hospitals?

**2:30 p.m.**

**Hon. Mr. Norton:** Mr. Speaker, I cannot give the precise date; I do remember the occasion. I had a visit in my constituency office from an official of a chronic care hospital in Kingston about a month or a month and a half ago—somewhere within that time frame. At that time, the individual said to me he had heard at a provincial convention that there was a particular hospital, which was named at that time, in which he understood this practice was being introduced.

The following Monday, I met with the officials in my ministry and directed them to communicate with the particular hospital and to tell the hospital it was not consistent with provincial policy and would not be tolerated.

To the best of my knowledge, that communication did take place. It is only since then that it has been suggested there are other hospitals that might have been tempted to pursue that course of action. My position will be the same with them. It is totally unacceptable and it will not be tolerated.

**Mr. McClellan:** The record will show the minister indicated he found out about it a month ago from a constituent, and that he finds it intolerable. Can the minister explain to us why it was that the Ministry of Health sent out a letter dated February 7, 1984, apparently to a number of hospitals if not to all hospitals in the province, advising them they probably should not charge a waiting placement fee but not strictly forbidding it? Does the minister never discuss these matters with his officials?

Is the minister aware that a considerable period of time ago, the Hotel Dieu of St. Joseph Hospital in Windsor had informed the Ministry of Health about its intention to charge waiting placement fees, as did the Joseph Brant Memorial Hospital in Burlington? Who is running the Ministry of Health, since it is obviously not the minister?

**Hon. Mr. Norton:** I would take exception to that last remark. That is not to say there might not in the past, from time to time, have been some communication from the ministry staff which had not previously been discussed with me. Nevertheless, it was consistent with the policy of the ministry and, if anything, I would have suggested the letter ought to have been much

more strongly worded. Nevertheless, it is consistent with policy.

**Ms. Copps:** Mr. Speaker, I think the record will show the minister, in his answer to the question from the member for Bellwoods, suggested these user fees were applicable or were denied in chronic care hospitals.

Obviously, the minister has a tremendous fundamental misunderstanding of the system. The point in question here is that acute care hospitals were being allowed to charge these waiting fee charges for patients who were occupying acute care beds but in a chronic state. The minister will also be aware it is not an isolated incident.

Chedoke-McMaster Hospital in Hamilton was contemplating similar charges, and notices were being sent around to patients. This was being done with the consent of the Ministry of Health.

**Mr. Speaker:** Question, please.

**Ms. Copps:** If the minister did state a month ago that it was against government policy, why is it that hospitals across Ontario, in a widespread way, were preparing to introduce user fees on acute care beds, which is totally and fundamentally against the Canada Health Act?

**Hon. Mr. Norton:** Mr. Speaker, first, the member is incorrect in her assumptions. I did not know what I was talking about. I am well aware of the fact I was referring to a situation in an acute care hospital. If she had listened to my response, my reference to the chronic care facility was the place of employment of the individual who spoke to me. It had nothing to do with—

**Ms. Copps:** They already pay you some fees—

**Mr. Speaker:** Order.

**Hon. Mr. Norton:** Yes, but if the member would close her mouth and open her ears, then she would understand what I said.

**Mr. Speaker:** Now for the answer.

**Hon. Mr. Norton:** The individual happened to be employed in a chronic care facility, but was referring to a situation in an acute care facility. It was as simple as that. That was the point I had made. I am sorry the member for Hamilton Centre did not understand it.

**Mr. McClellan:** Quite frankly, I find it hard to comprehend that the Minister of Health of this province was not informed by his officials about a major user charge being imposed by hospitals in this province on elderly people. I find this simply unbelievable.

**Mr. Speaker:** Question, please.



**Mr. McClellan:** Why was it the Ministry of Health knew about this practice many months ago and did not take any action until it was raised in this House on Thursday last? Will the minister at least have the decency to give us a commitment that he will force the hospitals that have charged this intolerable fee to their patients to refund every dime extracted from the patients under the waiting placement fee?

**Hon. Mr. Norton:** I have made my position clear enough to the member, if he cares to understand it. He suggested there was some widespread application of this among the hospitals in the province. There is no evidence to suggest that. There is some suggestion there were some hospitals that were contemplating it, and perhaps a few that actually applied it in some instances. As I have said, that is unacceptable. It must not continue and I will see to it that it does not.

### INTEREST RATES

**Mr. Swart:** Mr. Speaker, my question is to the Treasurer, if he would like to take his seat.

I am sure the Treasurer will remember that last Thursday in trying to gloss over the cutback in housing construction activity due to rising interest rates, he told my colleague the member for Bellwoods (Mr. McClellan) the following, and I quote from Hansard:

"With the 14-basis-point rise today, interest rates were still within a range that I believe and have believed should not inhibit activity in Canada as much as many people are saying it has or could. I remain convinced, fortified by the Conference Board of Canada and the OECD—hardly partisan observers of the Ontario scene—that we still will see the kind of economic activity we predicted in our budget."

The day after that, the preferred interest rate went up by one half per cent in the United States, and it has now gone up a further one half per cent. Does the Treasurer still maintain that optimism about the effect of these rising rates on the economy, especially in view of the statement of this national leader, Mr. Mulroney, that it is very harmful and that 10,000 workers lose jobs for every one per cent increase in interest rates? If the Treasurer agrees with him, what representation has he made to the federal government or to the Bank of Canada to stop the iniquitous and steady rise in interest rates?

**Hon. Mr. Grossman:** Mr. Speaker, I think the member's question was whether I am still as optimistic as I was a week ago when I gave that answer. The answer to that question is yes, I am.

**Mr. Swart:** I wonder how the Treasurer can be so optimistic when his own ministry, the Ministry of Treasury and Economics, released a study in 1979 entitled *The Potential Economic Impact of Domestic Interest Rate Hikes*. According to the projections in that report, the one and a half per cent increase in the preferred rate means 20,000 to 26,000 jobs in Ontario have disappeared and the real growth rate has dropped by 0.54 to 0.96 per cent below what it would have been if the interest rates had not increased.

Does the Treasurer not think that is serious enough that he should be making recommendations to the federal government to keep interest rates down?

**Hon. Mr. Grossman:** Conclusions drawn in 1979 will not necessarily stand the test of 1984. Times have changed very dramatically and the impact of some of the interest rate changes is very much related to the point at which consumers are finding those changes occur, their mindsets and the circumstances business is going through. Are they likely to be investing anyway? Are they operating at full capacity? Are they about to invest and holding back for those reasons, or are there other inhibiting reasons? There are a number of things that would make that analysis, which is now five years old, inapplicable in a different time frame.

The point I am making is not that interest rate increases are helpful; of course, they are not helpful. It is only that any presumption that there is an objective and certain measure of the impact of an interest rate increase of half a point on employment cannot be presumed to be accurate by any means.

**2:40 p.m.**

In terms of our feeling about interest rates, let us be clear. As long ago as three years ago, when my friends opposite were supporting the party in Ottawa that was advocating and defending 22 per cent interest rates, this government, led by our Premier (Mr. Davis) and by the then Treasurer (Mr. F. S. Miller), led the fight at first ministers' conferences in Ottawa against those high interest rates. We did it then, we remain opposed to them today and have made representations consistently through this last period against those high interest rates. The member should remember to do his homework.

**Mr. Swart:** The minister indicates that he does not fully accept the relationship between high interest rates and a downturn in the economy. Surely he must be aware of the effect of the exceedingly high interest rates in 1981 and



1982 on the purchase of farm implements and on economic activities in general.

The minister will recall that the interest rates of 1981-82 were up in the range of 17 to 22 per cent. In 1981, we had only 277,000 unemployed in this province, according to official statistics. That figure is up now to 438,000. It was up to 514,000 but interest rates came down and the employment situation improved.

**Mr. Speaker:** Question, please.

**Mr. Swart:** My question is, although the minister said he made representation before, has he made representation now, this year, against the increase in rates, and if not, will he do so?

**Hon. Mr. Grossman:** At the meeting of finance ministers last December, the entire question was raised again and there was agreement among all the finance ministers that every action possible should be taken to keep interest rates down.

One of the important things that governments in Canada could do, by way of ensuring we do not have another round of inflation and to keep interest rates down, was to ensure that all provincial governments and the federal government did what we could to keep our own deficits down, to stop deficit budgeting and to try to make sure that in all our public sector restraint programs we did not fuel the kind of inflation that brings back high interest rates.

I should tell the member that since he opposes all those strategies, lower deficits in this period and restraint programs in the public sectors, he might want to reflect on the advice he offered us.

#### CONSOLIDATED HEARINGS PROCESS

**Mr. Peterson:** Mr. Speaker, I have a question of the Minister of Energy. He will no doubt be aware of the decision in the Divisional Court yesterday which invalidated the consolidated hearings process into the southwestern Ontario transmission corridor. In effect, it put the discussion or the advancement of that line back to 1981. We have lost a number of years.

He will be aware too that Ontario Hydro believes the minister is responsible. A spokesman said, "It is cold comfort to us that all Ontario Hydro did was publish the notice in the form we were told to by the government." As we know, the notice was ruled invalid by the Divisional Court. We have wasted years on this process.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** My question to the minister is, how much will his mistake cost the power consumers of this province?

**Hon. Mr. Andrewes:** Mr. Speaker, I think it is totally inaccurate for the Leader of the Opposition (Mr. Peterson) to suggest the notice was a notice given by the government. The notice was designed by the panel. It was set down by the panel and Hydro followed that notice to the letter of the law.

**Mr. Peterson:** That is not what Hydro says but if the minister does not want to answer the question, I will ask again: Is he aware that Ontario Hydro is now saying the cost will run \$1 million a week for perhaps five years? That is about \$120 million a year for five years.

The Minister of Energy and Ontario Hydro have made another \$600-million mistake. That is the reality. The minister has manipulated the line, has held up construction because elections were coming along, has been fooling around for 10 years, and now a crisis is developing in getting the power out of Bruce.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** My question to the minister is what is that going to cost and what is he going to do now to get the energy out of Bruce? Will he reconstitute those hearings? When is he going to get them going, and is he going to provide adequate notice to the people affected and have fair hearings for a change?

**Hon. Mr. Andrewes:** The Leader of the Opposition again asks us to make a quantum leap by blaming the government for the action of the court in ruling on the basis of a petition that was brought before that court. I have real difficulty in making that quantum leap, given that Hydro is a public utility that is the proponent of this project under legislation that was passed in this Legislature.

I do not remember the Leader of the Opposition speaking up against that legislation. Hydro followed the letter of the law under the legislation and brought its proposals before the panel. The court has now ruled that decision was invalid. We will be assessing the options available to the government and Hydro and we will be reporting on those.

**Mr. Charlton:** Mr. Speaker, I have a question for the Minister of the Environment (Mr. Brand) on the same topic of the court ruling. He is the minister responsible for the Consolidated Hearings Act. As a result of the court's ruling that the original hearing is invalid, presumably he would therefore have to convene a totally new hearing on this proposal by Ontario Hydro.

In view of the fact that the original hearing panel "did not consider the no-action alternative



as a decision-making abstraction since it does not fulfil the purpose of the undertaking," will the minister ensure that any new hearing convened on the matter of this Hydro application will hear and consider fully the question of the need for these power lines in the first place?

**Hon. Mr. Brandt:** Mr. Speaker, that is a very interesting question. I do not think any rational voice has spoken out against the need for the power to be delivered. That has been reiterated time and time again. I do not think reviewing the question of need at some future point in the context of the reorganized hearings is out of the question. I will pass that on to the board and make sure that takes place.

**Mr. Charlton:** The board refused to consider the question of need in the original hearing. In ensuring that any reconstituted hearing panel considers the question of need, will the minister ensure that this question is dealt with, not only from the perspective of the need to get power out of Bruce but also from the perspective of whether there is a need for a totally new line or whether existing lines could be upgraded?

**Hon. Mr. Brandt:** I would have thought the member would have been arguing for the need for this line in the light of the fact that this is one of the ways—he should listen carefully because this is important—in which we can reduce the levels of sulphur dioxide, which might assist in the whole effort against acid rain. However, I will take the member's comments under consideration and pass them on to the board.

**Mr. Peterson:** Mr. Speaker, the minister should not be so uncharitable. The New Democratic Party may have a way to get hydro out of Bruce without transmission corridors and, if it has a way, the minister may want to listen to it.

The minister will be aware that on several occasions my colleagues warned him of the inadequacy of the notice provisions for the consolidated hearing. We told him he was wrong, and now that has been proved by the courts. We have wasted three years and probably \$600 million because of an error of judgement by this government and Ontario Hydro. That is a reality.

Will he undertake, as the minister responsible, to constitute that board with dispatch to move on that question and make sure appropriate notice is given in all cases?

2:50 p.m.

**Hon. Mr. Brandt:** Mr. Speaker, I have to take strong exception to the phantom mathematics being exercised by the Leader of the

Opposition. There is no way that figure should go unchallenged. What the honourable member has done is take one of his figures—he always has great difficulty with arithmetic—and multiply it by some artificial five-year period. In so doing, he comes up with his new number of \$600 million. I take strong exception to that. There is absolutely no way in which he can justify that figure.

**Mr. Peterson:** It is not so much my integrity I am worried about, because that is impeccable, but Ontario Hydro's integrity is at stake in this issue. I want to correct the record at the first available moment. It is too much to expect that I could ever extract an apology from this minister.

I read only the words of Mr. Ian Wilson, manager—

**Hon. Mr. Brandt:** Mr. Speaker, on a point of privilege—

**Mr. J. A. Reed:** This is true. Just listen to the truth.

**Mr. Peterson:** This is my point of privilege. The member can have his point of privilege in a moment.

Interjections.

**Mr. Speaker:** Order. We can hear only one at a time.

**Mr. Peterson:** Mr. Wilson said the following: "Delays and approvals so far have cost Hydro, and thereby taxpayers, \$150 million to \$200 million because Hydro's earliest expectation was to have a second line running from Bruce by late 1988. The money is gone and the decision means that on top of that there is now a penalty of \$80 million to \$120 million per year or about \$2 million weekly."

If the minister objects to Mr. Wilson at Ontario Hydro, someone who has always given reliable information in the past, then I want the minister to feel free to stand up and attack the integrity of Ontario Hydro if he so chooses.

**Hon. Mr. Brandt:** In addition to the numbers the Leader of the Opposition is commenting upon, at no point did Mr. Wilson mention five years nor did he take that figure and multiply it to arrive at \$600 million. Again, that is a figment of the member's very vivid but wrong imagination.

With respect to a comment the Leader of the Opposition made earlier, at no time did David—come—lately mention to me that we were conducting the hearings inappropriately. He has never made that kind of suggestion to me in this House.

**Mr. Peterson:** Mr. Speaker, on a point of personal privilege: The five-year period of \$2 million a week was provided by Mr. David

Drinkwater, director of the southwest region for Ontario Hydro. Five times \$120 million is \$600 million; yet this man continues to attack the integrity of Ontario Hydro and Mr. Wilson. It is shameful that he would personally attack such an esteemed institution.

**Mr. Speaker:** Order. All right. You have made your point.

The member for Huron-Middlesex.

**Mr. Riddell:** Mr. Speaker, after the next election the members of the New Democratic Party will not have to worry about listening to arguments put in this House because they will not be here.

**Mr. McClellan:** How high can interest rates get? How high is high?

**Mr. Riddell:** It does not take too much to get them rattled.

#### MEMBERS' EXPENDITURES

**Mr. Riddell:** Mr. Speaker, I have a question for the Minister of Intergovernmental Affairs. As one who is deeply concerned about the distance this government has strayed from democratic principles as we used to know them, I want to ask about the concealed expenditures of ministers and parliamentary assistants.

Since the issue of individual members' expenses has been raised as a result of the tabling of that document which contained misleading information, or perhaps I should say incomplete information, his government has no doubt been scrambling to see what the real picture would show if it were exposed.

Before the House rises, will the minister table in the assembly information on certain Progressive Conservative MPPs in the cabinet and among the ranks of parliamentary assistants which is now buried in ministry estimates, including the mailing costs incurred, the cost of the limousines, salaries of the drivers, telephone bills, printing and stationery bills, travel on government business, special assistants, executive assistants and other staff, of course, and translation costs?

**Hon. Mr. Wells:** Mr. Speaker, I thought I heard the honourable member opposite read the questions of the member for Etobicoke (Mr. Philip) from Orders and Notices. I believe the member for Etobicoke already has a question in Orders and Notices in the exact same words, asking for all that information. It will be looked at, and I am sure that in due course an answer to those questions will be forthcoming.

**Mr. Riddell:** I am not particularly interested in the questions in Orders and Notices, because very seldom do we get a complete response. I want the response right here in a public forum so the whole world can understand what is going on.

**Mr. Speaker:** Question, please.

**Mr. Riddell:** In view of the fact that the constituency office of the Premier (Mr. Davis), for instance, shows only \$17,549 for staff, \$121 for stationery and \$40.88 for long-distance telephone, and the office of the Deputy Premier (Mr. Welch) shows \$14,772 for staff, nothing whatsoever for postage and \$141.98 for long-distance calls, where are we shown the costs of these special assistants, of which the Premier has many, and of the Deputy Premier's secretary, his two special assistants, his administrative assistant, his executive assistant and his receptionist? Where are they when the Premier's total is \$44,823 and the Deputy Premier's is \$39,081?

**Hon. Mr. Wells:** They are all in the estimates. In the judicious questioning and back-and-forth discussions that go on during the estimates, all that kind of material comes out, and there should be no problem.

If the member is looking somehow to counteract what he felt was an adverse effect vis-à-vis the private members and the cabinet in the publication of the legislative document, which was a true document of expenses, we now have another document, publicly put out by the New Democratic Party, that inaccurately shows ministers' accounts in inflated amounts, because they do not have any breakdowns. So the members opposite really have achieved their purpose of showing that actually cabinet ministers are spending \$1 million or \$2 million on expenses, which is what they tried to show in that press statement.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** The fact is that I made a statement outside this House when a member of the media asked me. I think it is quite legitimate for the Board of Internal Economy to address the problem that has been raised and to see if there is not—

**Mr. Bradley:** Why did they not address it last year?

**Hon. Mr. Wells:** I do not recall why they did not address it last year, but the problem has been suggested, and at some point, Mr. Speaker, you as the chairman will preside over that matter.

3 p.m.



**Mr. Breagh:** Mr. Speaker, I know General Motors products are very cost-efficient these days, but will the minister please tell us what kind of limousine he can buy and drive with a chauffeur for a full year at absolutely no cost? I would like to get one of those. All his ministers have one.

**Mr. Martel:** Mr. Speaker, on a point of order: When the minister says the board can deal with this, he knows full well I have tried to get the board to deal with it for two years. If questions are not going to be answered appropriately, we will ferret out the real facts, if the ministries are not prepared to answer the questions asked in Orders and Notices by the member for Etobicoke.

**Hon. Mr. Wells:** Mr. Speaker, in answer to the question of the member for Oshawa (Mr. Breagh), I think I have done about 16 or 17 sets of estimates in this House over the years. If anyone had ever asked me the cost of the car and the salary of my chauffeur, I could easily answer.

**Mr. Elston:** The minister would not know.

**Hon. Mr. Wells:** Certainly I would know. I could give the member that information and I can recall doing so many times.

**Ms. Copps:** What is the cost? Tell us.

**Mr. Speaker:** Order. As I recall the question, the member was asking for the make so he could buy one.

#### FAMILY LAW REFORM

**Ms. Bryden:** Mr. Speaker, I have a question for the Attorney General. The women of Ontario and I are beginning to wonder if promises have any meaning for the Attorney General, except as a way of avoiding answers to questions about family law reform, which he has been promising since December 1982, more than 18 months ago. We are badly in need of reform to offset recent court decisions that are undermining the concept in the Family Law Reform Act of marriage as an equal partnership.

When is the Attorney General going to deliver on his December 1982 promise to bring in legislation to reform family law not later than March 1984, and on subsequent promises made in 1984 to bring in legislation before the end of the spring session?

**Hon. Mr. McMurtry:** Mr. Speaker, I would like to state once again that our Family Law Reform Act of 1978 has proved to represent a very major reform of the law in this area and has introduced into the existing law a very high degree of fairness. There can be no doubt of that.

We indicated there was going to be a review of this legislation. That was announced on its fifth anniversary. Not surprisingly, we have heard a great many interested comments from many hundreds of Ontario citizens and groups of citizens. As I said before, it is my intention to bring in some legislation before the end of this session.

At the same time, this has provoked a good deal of debate and a fair amount of controversy. There are issues about which reasonable and fair-minded people can disagree. I had hoped we might be able to bring in legislation before we adjourned for the summer, but at this time it is obviously not going to happen. We will have legislation before the end of the session.

**Ms. Bryden:** It appears the deadline has moved from spring to December very quickly. Apparently, the cabinet must have turned down the Attorney General's proposals.

There is an estimated \$42 million in unpaid maintenance orders outstanding in Ontario, affecting 40,000 women and thousands of children. The government promised in the throne speech that a strict enforcement of family maintenance awards would be instituted. When is the Attorney General going to deliver on the promise he made in reply to a question from me, in which he said on April 12, "I can fairly state that before the end of the spring we will have some quite significant initiatives to announce"?

**Hon. Mr. McMurtry:** The province will be involved in the automatic enforcement of maintenance and support orders. We are still working out some of the details and cost implications, but this is the route we are going.

**Ms. Copps:** Mr. Speaker, it has been clear from the Leatherdale decision that the current definition of family assets in our legislation is wide enough to drive a Mack truck through.

How does the minister expect the women of Ontario to take him seriously when he stood in the House this year and said he was going to introduce legislation before the end of this session, and when he stands up one day before we are expected to rise and he has done absolutely nothing? How does he expect to have any credibility with the women of Ontario?

**Hon. Mr. McMurtry:** Mr. Speaker, this government has a great deal of credibility with the women of Ontario, and I am very confident that situation is going to continue.

#### FOOD DISTRIBUTION

**Mr. McGuigan:** Mr. Speaker, my question is to the Provincial Secretary for Social Development.



Is the minister aware that the federal Department of National Revenue will give tax credits for articles donated to charity, that is, articles of commerce that have a real value and must be appraised by independent experts to determine their value?

In view of the fact that social agencies in Toronto reported yesterday that they have a crisis in requests for food coming from people who have exhausted their social benefits, will the minister head up a task force of officials of the Ministry of Agriculture and Food, who would be required to put a value on it; the Ministry of Revenue, who would be concerned with the matter of giving up revenues, and the Ministry of Community and Social Services in order to provide a system of appraising and distributing donated foods? I would point out that this is working effectively in the United States.

**Hon. Mr. Dean:** Mr. Speaker, that is an interesting suggestion. I will be glad to pursue it with my colleagues.

**Mr. McGuigan:** I would like to point out that carloads and trailerloads of food, often fresh fruits and vegetables—and the minister is well acquainted with that industry—will arrive a day or two late for sale, and rather than put that produce on the market at a fire-sale price, these companies will often be quite willing to donate it provided they are given a reasonable tax credit for the lower value.

**Mr. Speaker:** Question, please.

**Mr. McGuigan:** Is the minister aware that processed foods are often handled in this manner?

As a final point, about two weeks ago the federal government put in effect an arbitration board to take care of these matters so that we will be reasonably assured that companies are not claiming twice for the value of the goods—once from the tax credit and once from an arbitration award back to the original shipper.

**Hon. Mr. Dean:** Regarding the last point, it would seem to me the mechanism must already be in place to ensure that there is no double claiming of that sort. Since the matter of charitable donations is a federal responsibility, I think it would be inappropriate for us to muddy that water at this time.

**3:10 p.m.**

I would also like to suggest to the honourable member that in any such activities where our government is or would be involved, in my judgement it is important to be sure we do not perhaps inadvertently get into a disruption of

normal commercial processes so that we take away from the producers of these crops—who, I am sure the member knows, get little enough of the total sale value at the present time—their right to get an adequate return on what they are producing. Surely we are not suggesting that we have some kind of fire-sale technique or give-away program at the expense of the producers.

#### TABLING OF INFORMATION

**Mr. Allen:** Mr. Speaker, I rise on a point of personal privilege. On May 15 I asked the Minister of Citizenship and Culture (Ms. Fish) when she would be making a full statement to this House in response to the Macaulay report. She replied:

“Mr. Speaker, I do intend to respond in full to the Macaulay report in the fairly near future. I am pursuing a very careful review that I indicated I had in hand and I will be addressing all of the recommendations.”

We have today and tomorrow left in the session. In the interval, the minister has made a couple of remarks in this connection to a conference or two—

**Mr. Speaker:** Would the member for Hamilton West please resume his seat. Nothing is out of order.

**Mr. Martel:** He did not say it was a point of order; he said it was a point of privilege.

**Mr. Speaker:** Well, a point of privilege. The minister obviously said she would reply in the near future. She did not give us a commitment to making a statement before the end of the session so the member's personal privileges have not been abused in any way.

#### CORRECTION OF RECORD

**Mr. Charlton:** Mr. Speaker, I wish to rise to correct the record. The member for London Centre (Mr. Peterson) chose to interpret the remarks in my question that it was the position of the New Democratic Party that there was no need to get the power out of the Bruce nuclear generating station.

For the sake of making sure the record is very clear, I would like to say that although the NDP happens to agree with that position, the position was developed by the thousands of residents of the ridings of Grey-Bruce, Dufferin-Simcoe and Simcoe Centre, where members of the Central Ontario Coalition Concerning Hydro Transmission Systems, in consultation with energy experts in this province, made a submission to the Ontario cabinet attacking the need for that transmission line.



**Mr. Speaker:** I am sure the member has clarified the point.

## PETITION INJURED WORKERS

**Mr. Di Santo:** Mr. Speaker, I have a petition for justice for injured workers, which reads as follows:

"We, the undersigned, are in full support of the proposals of the Association of Injured Workers' Groups for justice for injured workers:

"1. No discrimination against existing injured workers;

"2. Pension for life, for disability for life—a two-part pension compensating the injured worker on a permanent basis for life for both the pain and suffering and the wage loss resulting from the disability;

"3. Automatic indexing for cost-of-living increases;

"4. No deduction of Canada pension plan benefits."

The petition is signed by a number of people from the town of Welland.

## CONSTITUENCY ASSISTANT

**Ms. Copps:** Mr. Speaker, knowing as I do how much all members on all sides of the House respect the fine and good work that is done not only by their legislative assistants but by their constituency assistants, it gave me great displeasure to read recent journalistic accounts which impugned the integrity of a constituency assistant in eastern Ontario, specifically Helen Corcoran, who was the constituency assistant in the riding of Frontenac-Addington prior to the member there having a change of political heart.

I have been in that area many times. I want to stand on behalf of my party and on behalf of Helen Corcoran and say that of the constituency assistants whom I have known—and I have worked as a constituency assistant myself for four years—I have never met a person with a finer reputation or a greater dedication to her job than Helen Corcoran. I find the attack by the member of the Legislature absolutely scurrilous and I expect that he would withdraw it in this House.

**Mr. Speaker:** Interesting as that may have been, it is hardly a point of privilege.

## INTRODUCTION OF BILLS EMPLOYMENT STANDARDS AMENDMENT ACT

Mr. Martel moved, seconded by Mr. Mackenzie, first reading of Bill 115, An Act to amend the Employment Standards Act.

Motion agreed to.

**Mr. Martel:** Mr. Speaker, the purpose of the bill is to prohibit an employer from requiring an employee to work more than five consecutive days without a day of rest.

## INSURED HEALTH SERVICES ACT

Mr. Martel moved, seconded by Mr. Breaugh, first reading of Bill 116, An Act respecting Insured Services under the Ontario Health Insurance Plan.

Motion agreed to.

**Mr. Martel:** Mr. Speaker, the purpose of this bill is to declare that surgical procedures for breast reconstruction are insured services under the Ontario health insurance plan.

## INCO LIMITED ACQUISITION ACT

Mr. Martel moved, seconded by Mr. Breaugh, first reading of Bill 117, An Act to acquire the Assets of Inco Limited.

Motion agreed to.

**Mr. Martel:** Mr. Speaker, I tried to get the Premier (Mr. Davis) or the Treasurer (Mr. Grossman) to second this since they bought Suncor. This one has more value.

The purpose of the bill is to vest the title and control of the assets situated in Ontario of Inco Ltd. in a crown corporation, the Ontario Nickel Corp. If compensation cannot be agreed on—this is not confiscation—provision is made for arbitration. The object of the Ontario Nickel Corp. includes the task of operating and maintaining the assets of Inco Ltd. so as to provide employment and other economic benefits to Ontario. We would locate the headquarters in Sudbury.

**Mr. Ruston:** Mr. Speaker, I have a bill of interest to all the members, who have been waiting for it. I thought I had better bring it in at this time.

## LEGISLATIVE ASSEMBLY AMENDMENT ACT

Mr. Ruston moved, seconded by Mr. G. I. Miller, first reading of Bill 118, An Act to amend the Legislative Assembly Act.

Motion agreed to.

**Mr. Ruston:** Mr. Speaker, the bill provides for a deduction of \$100 from a member's indemnity for each day of absence from the assembly while it is sitting, unless the absence is because of illness, pregnancy, childbirth or official business. However, a member is allowed 10 days' absence per session.

**Mr. Speaker:** May we have the concurrence of the House to revert to motions?

Agreed to.

**3:20 p.m.**

## MOTIONS

### COMMITTEE BUSINESS

Hon. Mr. Wells moved that the standing committee on administration of justice be authorized to consider the operation of the Centre of Forensic Sciences, the Ontario Fire College and the Ontario Police College during the summer adjournment.

Agreed to.

Hon. Mr. Wells moved that the standing committee on social development be authorized to consider the principle and terms of the Day Nurseries Act, RSO 1980, chapter 111.

Agreed to.

## ORDERS OF THE DAY

House in committee of the whole.

### BARRIE-VESPRE ANNEXATION ACT (concluded)

Resuming the adjourned consideration of Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

On section 1:

**Mr. Breagh:** Mr. Chairman, I think you are beginning to get the hang of this. You got that right off the bat.

**Mr. Martel:** With the new rule in existence, Mr. Chairman, the new rule we made yesterday.

**Mr. Renwick:** It is too bad we had to waste yesterday on procedural matters.

**Mr. Martel:** But now we have the new rule. We do have a new rule.

**Mr. Chairman:** I can sense that the member for Oshawa (Mr. Breagh) has some pressing comments.

**Mr. Breagh:** I had a few brief comments to make on this before I was so rudely interrupted last Friday. We spent an entire afternoon and evening yesterday on a procedural wrangle that was really unnecessary. I want to make some remarks in response to some of the interventions that have been made. In particular, I was pleased last evening to hear, at last, the Minister of Municipal Affairs and Housing (Mr. Bennett) addressing the assembly on this bill, which he dropped on us last December and then promptly ran away from for about a six-month period.

I thought it was interesting that in his remarks he attempted to address, rather selectively, two areas of concern I had expressed for some time. I think it should not go unnoted that last evening, for example, this government did something that no parliament I can find in the free world has ever done. It moved closure on what is ostensibly a boundary dispute bill. I cannot find a precedent anywhere in the free world, in any parliament, where a government has found it necessary to move a closure motion on what appears to be, on the face of it, a boundary dispute.

I think that is unfortunate, but typical of the way things work around here. While his government was moving two closure motions in the Legislature of Ontario, the Premier (Mr. Davis) was playing softball with the press gallery. Although that is a small note, not meant to be extremely critical of the Premier—

**Mr. Rotenberg:** Where was the member's leader?

**Mr. Breagh:** As a matter of fact, my leader was visiting some communities in northern Ontario to talk about some concerns they have. I think that is a reasonably legitimate thing for a political leader to do. While he was doing that and while the members were here debating the closure motion, the Premier was playing softball.

I seem to recall at least one other occasion when the government was in trouble and the Premier resolved the issue by putting beer in the ball park. He seems to have developed a rather amazing tactic that when something of great controversy is going on in the Legislature of Ontario, he does something that takes the entire press gallery off to a ball park somewhere. That is rather an unfortunate comment, not only that it worked the first time but also that it has worked the second time.

**Mr. Renwick:** He will not be like Drake. He will not sink the Spanish Armada tomorrow.

**Hon. Mr. Wells:** Who was the Premier playing ball with?

**Mr. Breagh:** He was playing ball with the press gallery last night. I understand, from press gallery comments I heard as they came back from their defeat, they were quite angry because the Premier ostensibly was fielding a team from his office, but they found when they got there the Premier and Ed Stewart, and about nine other ringers brought in so his team might defeat the press gallery team. That was unlike the opposition parties, who at least had the honour to go on to the field of combat themselves and take on violent people like Claire Hoy in actual combat.



**Mr. Chairman:** This is all very interesting, but we are here—

**Mr. Breaugh:** I am simply replying to the interjections from the Minister of Intergovernmental Affairs (Mr. Wells).

**Mr. Martel:** Why does he interject all the time? Last night the member for Cochrane North (Mr. Piché) played the House here for hours, and he did it last Thursday.

**Mr. Chairman:** Order.

**Mr. Martel:** He is forever interjecting.

**Mr. Chairman:** Order. The member for Oshawa thanked me in debate last evening for helping him stay in order, because it has been very difficult in this debate in this committee.

**Mr. Breaugh:** I did. That is one little matter I wanted to get on the record, because there are closure motions floating around this Legislature these days and I am somewhat concerned that more closure will be used.

The member for Brantford (Mr. Gillies) is really into little finger games this way. Some day I will explain to him what this little finger game means. It is not particularly obscene, but he may be interested in it.

**Mr. Mackenzie:** He wants some of that overtime the workers are getting.

**Mr. Breaugh:** He is just lining his pockets, probably.

One of the things that concern me no end is that the Minister of Intergovernmental Affairs and, I believe, the Minister of Municipal Affairs and Housing in his comments used a word that I find somewhat offensive and that I am sure the Chairman does. It has been bandied about here several times in interjections and in the course of speeches that there has been a filibuster under way on this particular bill. You will know, Mr. Chairman, that you have endured long hours in the chair to see that there has not been a filibuster because there cannot be a filibuster in a parliament.

A filibuster is rather typically an American technique in some of their chambers where they do not have any time limits on debate, which is something we share. In those jurisdictions they can read a phone book, they can read a magazine, they can sing, they can hum, they can do anything. Filibuster is a technique that is used when a member has the ability to occupy his place and speak and when there are no limits on how long that person may speak.

In a parliamentary system you cannot filibuster, because you will constantly be reminded by the chair, quite properly, that there is a piece of

legislation or something before the Legislature that must be addressed. So in a parliamentary system you cannot filibuster; you must speak to an issue that is before the Legislature.

In this case we are all making brief introductory remarks, to which we consented unanimously in the House. We began by allowing the member for Wilson Heights (Mr. Rotenberg) to do it; he had as long as he wanted and there was no time limit on it. The member for Waterloo North (Mr. Epp) had as long as he wanted. I, unfortunately, will not have as long as I want because the government has unfortunately moved closure.

**Mr. Rotenberg:** Because you are filibustering.

**Mr. Martel:** You make new rules, though.

**Mr. Breaugh:** There is an interjection from the member for Wilson Heights about a filibuster again, and I am just trying to explain to the poor soul that you cannot filibuster in a parliament.

**Mr. Rotenberg:** You certainly can, and you have done it. You have made up a definition that is not true.

**Mr. Chairman:** Order, the member for Wilson Heights.

**Mr. Breaugh:** Mr. Chairman, when members opposite use the word "filibuster" they are not insulting me by a long shot; they are insulting you, because to allow a filibuster you would have to allow us to be out of order, and it has been my experience for a few hours now that you ensure with meticulous care that we stay roughly within the perimeters of this particular bill.

I wanted to deal with that because it was a small point, but I am a stickler for parliamentary procedure, and I think it should be noted that the people who have occupied the chair during the course of these brief remarks have attempted to do a rather difficult job: to deal with interjections and to keep me on stream, which ain't easy.

I was interested in the short speech given by the Minister of Municipal Affairs and Housing last evening because I think he did at least make an attempt for the first time through all these hearings and through all the committee stage of the bill to do something I have asked for. I have asked the parliamentary assistant repeatedly to put in front of us a timetable, a track record—whatever he wants to call it—a simple list of occasions when the ministry in one form or another has attempted to negotiate with any of the parties that were involved in this particular dispute.

The minister last night gave a rather lengthy response in certain respects, and I listened carefully to it. I took the trouble to get the Instant Hansard this morning and to go over it. He reiterated what most of us already know—at least those of us who have followed this dispute for a while—that yes, indeed, there is a long history of events that were put together before the introduction of the legislation.

**3:30 p.m.**

What I had been asking for, to be a little more specific about it, is to know exactly what the Minister of Municipal Affairs and Housing has done that could be loosely interpreted as being negotiations since he introduced that bill or in recent times.

He read a rather lengthy list of events. However, after you read the Instant Hansard, you will see that what he really said for the record last night is that since the introduction of this legislation there has been one meeting. That, I suppose, is what we are supposed to accept as being a set of negotiations.

One meeting was held on March 21 at which I believe all of the interested parties, including Vespra township, were present. That meeting was basically an informational session. There was not a great deal of negotiation under way. However, that is the sum and substance of all the attempts on the part of the government of Ontario to negotiate: one single meeting.

**Mr. Rotenberg:** Mr. Chairman, on a point of order: I think the member for Oshawa inadvertently is misinterpreting the remarks made by the minister last night. The minister of course said there was only one meeting. However, the member for Oshawa is saying that is the only attempt we made to negotiate. I think the minister indicated there were very many attempts by this government to get negotiations going.

The reason there was no negotiation is not because of lack of effort by this government but simply because Vespra would never come to the table when they were invited. The member for Oshawa knows this very well. This is why there have been no negotiations.

**Mr. Epp:** The member for Wilson Heights was not even here yesterday.

**Mr. Chairman:** Order.

**Mr. Breagh:** With all due respect, I am sure the member for Wilson Heights had inadvertently misled us substantially. I am not asking how many hearings of the Ontario Municipal Board were held.

**Mr. Chairman:** The member knows full well that, in committee or in the House, you may not use the word “misled.”

**Mr. Breagh:** I beg your pardon, sir, but you must have a hearing problem in your right ear. I, the member for Wilson Heights can use that word, this member can use that word.

**Mr. Chairman:** No, I did not hear the word “misled.” As a matter of fact, before you rose to your feet, I was about to respond to the member for Wilson Heights to remind him that there will be opportunity for him to debate. Further interjections made under the form of points of order, unless they can accurately be determined as being that, are going to be disallowed.

I did not hear the word used there. This is why I was objecting to your using it in your comments.

**Mr. Breagh:** Sir, I would simply ask you to read the Instant Hansard. If I am wrong, I will be happy to withdraw, apologize, get on bended knee or whatever would please your fancy. However, I think you will find I simply used the word that was used to me.

**Mr. Rotenberg:** I used the word “inadvertently.” I believe that is parliamentary. I said the member for Oshawa inadvertently misinterpreted the minister’s remarks. I assume that is parliamentary.

**Mr. Chairman:** I have no problem with that.

**Mr. Breagh:** All right, let me replace the words. I want to make it easy for you. The member for Wilson Heights inadvertently misinterpreted—how is that?

**Mr. Chairman:** Fine.

**Mr. Breagh:** Are we all parliamentary now?

**Mr. Chairman:** Yes, it is all better.

**Hon. Mr. Walker:** Not until the member for Oshawa withdraws.

**Mr. Breagh:** If it makes the member for London South (Mr. Walker) happy, I would be happy to withdraw “misled.” I would not want to leave it on the record that his government tried to mislead anybody, no matter how true that might be.

To get back to the point, I think what transpired last evening was the first effort on the part of the minister to lay down the government’s track record. Although it sounded good at first, it was wash because there was a lengthy list read, when the Instant Hansard is read, one gets down to the point that the member for Wilson Heights is quite correct.



Since the government of Ontario introduced its legislation, the sum total of the effort on its part to negotiate a settlement in this matter was one single informational meeting. There was an inference—and this is all it is—that one member of the ministry staff, Eric Fleming, was given some direction. It is very loose, but it is almost there; he kind of drove around the area. I think—

**Mr. Rotenberg:** Mr. Chairman, on a point of order: If the member for Oshawa is going to continue his filibuster—which it is—and not allow any reply, and continue to misinterpret the remarks of the minister, I will have to correct him.

As we always have said, it is correct that there was only one meeting. It is not correct to say that was the sum total of the efforts. The government made constant and continuous efforts to try to get the parties together for negotiation. Constantly and continuously, Vespra refused to discuss any form of negotiation. This is why there has not been any. With all respect to the member for Oshawa, his version of what has happened is not in accordance with the facts.

**Mr. Chairman:** Order. I must remind the member he cannot get up on a point of order and interrupt the debate or make debate.

**Mr. Rotenberg:** With respect—

**Mr. Chairman:** Order. With respect, the member for Oshawa is describing how he disagrees or feels, and he is interpreting comments that he heard made by the minister last evening. As long as he stays within the perimeters of legitimate debate and proper language, he has the floor. Your occasion will come.

**Mr. Rotenberg:** Mr. Chairman, I accept your ruling, but I ask that in future when the members opposite continue constantly to rise on phoney points of order that they also be called to order for the same reason, because they are not, and they continue to rise on those points of order.

**Mr. Chairman:** I am sure this committee is going to be extremely watchful.

**Mr. Breagh:** Mr. Chairman, the opportunity was there last night. Lord knows, I have been asking this question for the better part of six months now. The minister had the greatest opportunity in the world last night, if he had chosen to accept it, to put on the record of the Legislature of Ontario every single phone call, every whispered conversation in a corridor, every chance, fleeting, on-the-record or off-the-record conversation that ever occurred. I openly invited and begged him to do that.

I begged the member for Wilson Heights, who has some unusual ideas about on-the-record and off-the-record conversations. I have been asking him to put that on the record. I do not want to be buffaloed.

**Mr. Rotenberg:** If you sit down, I will get up and talk about it.

**Mr. Breagh:** The member had the opportunity last night to get his ego off really well. He had two closure motions in one night. That is enough for him. He does not have to move closure every day. He does not need to move it every afternoon either. The member should just sit there and shut up. That is what he gets paid to do.

**Mr. Chairman:** Order.

**Mr. Rotenberg:** You know you are wrong, do you not? That has been getting you—

**Mr. Chairman:** Order, the member for Wilson Heights. The member for Oshawa knows full well that our rules do not permit language of that sort, so could we return to the legitimate debate, please.

**Mr. Breagh:** I would be happy to.

The point I was trying to make is that for some time now I had been attempting to get the government to substantiate, to define and to tell us what it means by this line we keep hearing that it is constantly trying to negotiate. From my information, that is not what has transpired. From my definition of negotiations, the holding of one informational meeting does not constitute an attempt to negotiate.

The members will know, and I will put it on the record here, that I have probably done as much in trying to negotiate as the whole government put together. I had a conversation with the Premier yesterday at lunch downstairs. We had a quiet little chat. We have had a couple of quiet little chats here. I chatted with the Minister of Intergovernmental Affairs as we walked into the Legislature last night.

That is probably more negotiating than has gone on by the whole ministry during the course of this thing. It befuddles me. I am clearly confused as to why the minister would even pretend to be negotiating and would be using that word when, by my definition, none of that has transpired whatsoever.

I was interested in a number of things the Minister of Municipal Affairs and Housing had to say last night because he is a man who is not given to long, flowery debates. He is a man who tends to be a bit gruff around the edges and aggravates people somewhat from time to time, but that is simply his manner. Because that is his



manner, it is sometimes difficult to know when he really means to offend someone and when he does so almost because of his personality.

I found that he was straightforward in saying it last night, even though there was a good bluff around the edge about a whole lot of meetings having occurred, a whole lot of hearings having been held and various letters having been sent. He admitted that the sum total of their efforts to negotiate a settlement to this dispute since the introduction of legislation was a single meeting.

That is significant. When it sets its mind to it, this government is really very good at this. It is very good at filling a conference table with studies, because it has them in spades. It is very good at providing all kinds of reports about different aspects. It is very good at providing sets of numbers so one can negotiate about them. In other words, it is very good at setting the stage for a set of negotiations.

**3:40 p.m.**

I am aware that ministry staff are excellent people in trying to get a set of negotiations moving. They know how to do that very well. I have seen them do that on a number of occasions. Why that skill has not been exercised in this dispute, why the government has chosen to move closure on this bill, why it will set a parliamentary precedent by moving closure on a boundary dispute, why it would run the risk of being seen as unfair and undemocratic when none of this is necessary, confounds me no end.

I want to move to a couple of other points the minister raised in his remarks. Near the end of his remarks last night he brought into question the circumstances in some of the negotiations that surrounded another boundary dispute I am familiar with. When the region of Durham was proposed for my area, there was the government in full flight attempting to negotiate a reasonable settlement. In fact, he quoted a little motion I had put at the Oshawa council some 10 years ago. I want to respond to that, because it is exactly my point about negotiating. I think it is what is missing from Bill 142.

When the province decided it would change boundaries and create a new region, that was the government of Ontario working as I know it can. It was the Treasurer (Mr. Grossman) going to Eastdale collegiate in Oshawa with a big slide show, presenting what the government wanted to do. We had ministry staff, parliamentary assistants and other ministers visiting each of the councils in the area and there was a real flow back and forth.

For example, they had done an Oshawa-and-area planning and development study which had cost a little over \$1 million. It was not particularly pertinent to this region they were now proposing—the boundaries were substantially different—but a lot of planning information was in place.

There also were all kinds of work studies about serviced areas and about what could be serviced and what could not be serviced in a short period of time. There were population projections, there were demographics, there were all kinds of economic projections, there were estimates made of all the assets and liabilities right down to the machinery that each of the municipalities owned at that time.

There were definitions drawn up about what might become a regional road and what would be a local road. There were projections made about who could better provide social services, who could better provide public works, at which level would planning be a more direct and important link in the process. As many members know, I am an advocate of the planning process, warts and all. It is not perfect by a long shot, but it is a process, as I have seen during my participation, that eliminates the number of big mistakes that are made. One cannot ever get to the point of never making big mistakes.

Councils are democratically elected and on occasion they will do things that are not according to proper planning principles, but that is where the natural flow of the political system ought to work. There ought to be a way for people to say, "That is a very clear, logical way to proceed, but I do not want to do that." That is the political process entering the picture.

Last night the minister reminded me of this set of negotiations that had gone on around another boundary dispute, so to speak. So I am aware of the capacity of this government. People such as Gardner Church came to my council chamber in Oshawa and said, "What do you want to do?" People such as Fred Crome, our commissioner of works, would lay out big maps all over the walls in the council chambers and say: "These are the serviced areas. This is where a future serviced area could be put in."

After we received all that information and bounced it off our employees in the city of Oshawa, after we talked to adjacent municipalities, after we talked through seemingly endless meetings with staff and various ministries here, then we would move resolutions back and forth.



Oshawa was presented with a new set of boundaries that did not make much sense to us in the OAPAD study. For example, no one had ever said the city of Oshawa ought to be extended all the way up to Port Perry through some of the best prime agricultural land in the whole region of Durham, in fact in the whole province. Some of the best farms are located in that branch of Oshawa that goes roughly from Taunton Road to what is now the town of Port Perry.

We looked at that map and said: "But this is a city you are talking about here. What is a city doing with Windfields Farm in it? What is a city doing with all the big dairy farms in it?" That did not make very much sense to us. One thing that would make some sense to us would be to take off our servicing reports what we called the 10 lots in Courtice and attach that to the city. At that time the province said no; for whatever reasons, it did not want to do that.

I want to put on the record that 10 years afterwards the city's position in that matter does not look too bad. What we referred to as the 10 lots in Darlington at that time are now areas of growth in what is now called the town of Newcastle where those service capacities are needed. They are directly hooked into water and sewage treatment plants in the city of Oshawa.

There are developers down there in that area, what we refer to as the 10 lots in Darlington, saying: "The pipes are here. We see that the servicing capacity is available and we now want to develop and attach ourselves to the city of Oshawa." Even in that instance, although the government of Ontario said no, we thought we had developed a good rational argument. We thought we had enough planning documents, servicing documents and economic documents put together to say that would have been a sensible boundary formation.

We were saying at that time, and it is still true today, we were providing that area with police, fire protection, ambulance services, all of that, because it made some sense. As a council we were not particularly upset that they wanted to give us all this farm land and put that into the city. It did not seem to make a great deal of good common sense to us, quite frankly, but on the other hand we felt we were far enough along in the planning process to say, "All right, we can handle that."

The only difficulty is that in the middle of that, we were aware then and we are aware now, is one huge farm called Windfields Farm owned by a fellow by the name of E. P. Taylor, whom members may have heard of. He does not live on

Windfields Farm any more. He lives on Grand Cayman Island. At one point in his career as a thoroughbred breeder he decided he would like to stop raising thoroughbreds and start raising high-rises.

We are aware that one plan of development was put forward some years ago, and we are constantly aware that people are living within the city of Oshawa, even though it is on farm land, and saying: "I live in the city of Oshawa. Can I not build duplexes here? Can I not build a subdivision here?" The city council is having to say, "Technically you are within the city of Oshawa, but you live in a rural area." We are familiar with that kind of pressure.

In response to the minister—who was rather gentle in his remarks last night, so I will try to be gentle today—had he shown any of that potential to put together documents, studies, plans and forecasts, and had he shown any of the capacity in the Barrie-Vespra dispute to put together the kind of staff I saw in my council chambers in Oshawa 10 years ago, thanks to some very bright, energetic people who knew what they were doing, we would not be here this afternoon.

We certainly would not be looking for a legislated solution to this kind of dispute. That would not happen. It would not be on the deck and the minister would have been able to stand in his place last night, not to say there was one meeting, but to give a list of all the occasions when formal meetings were held with committees of council. He would have been able to list almost ad nauseam the number of occasions when civil servants returned phone calls providing information to local municipal officials. He would have been able to itemize all the staff meetings that were held. He would have been able to show all the motions from various councils that flowed back and forth offering positions that had to be accepted or rejected. He would have been able to give a virtual litany of contact points, which I call negotiations.

My basic premise here is pretty straightforward. He should have been able to do that last night, instead of saying there was one single informational meeting; he should have been able to establish that the government of Ontario has tried to negotiate in a meaningful way, and never mind the stuff about having 14 meetings over 10 years; he should have been able to establish things clearly, and I know in my experience that when this government wants to, it can snow us under with information and provide us with staff reports until we are sick of seeing them.



There is no end of bright people working in various ministries who know how to put together information, who know how to negotiate and who can respond to a council that says, "That is fine, but we want to do this," by saying, "We can give you 95 reasons why you should not do that." I know the capacity to negotiate and to resolve an argument or dispute is there within the government. What I also know is that, in this instance, the government chose not to use it. That is clear and it is unfortunate.

**Mr. Rotenberg:** It is also not correct.

**Mr. Breagh:** The member for Wilson-Heights is interjecting again. He is babbling on over there. He has had six months to respond to this.

**Mr. Rotenberg:** No, I have not.

**Mr. Breagh:** In six months he has not chosen to respond to it once. He has not done anything more than flubber away in his usual manner.

**Mr. Rotenberg:** The member has been flubbing away for 10 hours and has said absolutely nothing.

**3:50 p.m.**

**Mr. Breagh:** I have had 10 hours of debate on this matter. The member has had 10 years to resolve the dispute and he has not been able to do it. His smartest move would be to sit there and stay silent, because the record is absolutely disgraceful and he knows it. The record is absolutely abominable.

Interjections.

**Mr. McClellan:** Use some authority, Mr. Chairman, and throw that man out.

**Hon. Mr. Norton:** Mr. Chairman, why do you not get the member to use something other than street or gutter language?

**Mr. Breagh:** If he thinks "sitting there in silence" is street or gutter language, the minister and I had better go outside; I will tell him some real street and gutter language and his little pink ears will turn Tory blue.

Interjections.

**Mr. Breagh:** I am not here to give the minister lessons in the vernacular.

**Hon. Mr. Norton:** This is a parliamentary chamber.

Interjections.

**Mr. Breagh:** "Sitting there in silence" is hardly unparliamentary.

**Hon. Mr. Norton:** It is difficult to see one behave as the member is.

**Mr. McClellan:** Why does he not leave?

**Mr. Nixon:** Let us get back to the real great stuff.

**The Acting Chairman (Mr. Treleaven):** The member for Oshawa, please continue. Are you through?

**Mr. Breagh:** I would like to continue, but I am being harassed from both ends of the chamber, viciously and wantonly by power-mad politicians.

I want to put on the record that on other occasions when the government of Ontario chose to use its resources, it used them well. At the end, what it meant for us in Oshawa was that we passed a flock of motions about boundary changes and responsibility. We won some and lost some. That is the political process.

At the end of the process, we all had to admit we had our share of debate. We won some arguments in the course of settling those boundaries and we lost some, but we could not walk away saying, "We never had a chance to negotiate." These people were all over us, day in and day out.

If we had said, "The government of Ontario did not give us what we wanted," the minister could have stood in his place on almost any matter under discussion at that time and said: "That is true. We did not give Oshawa what it wanted but we gave it the opportunity to get a lot of facts in order, access to our staff and opportunities to meet and move compromise motions, and it had a chance to participate in the democratic process." That is known as politics.

We would have been unhappy. At the end of that boundary argument in Oshawa council we were unhappy, but we could not say we were ignored. That is the critical difference. We could not say the government of Ontario did not want us to participate in the process. We could not say we had not had the opportunity to negotiate. We could and did say that we lost some and that we did not like the final result. At no time did we have the liberty of saying the government was treating us unfairly or ignoring us.

That is simply the point I wanted to make. There was no sincere effort on the part of the government of Ontario to do anything that could be vaguely called negotiating. That did not happen. In committee and during the course of this brief set of remarks I have given the opportunity for the government to respond, and I have been harassed a little around the edges, as best the member for Wilson Heights can harass anybody, which is like a chihuahua chasing a bull. That is about the extent of it.



**Mr. Rotenberg:** My friend is the bull, because he is full of it.

**Mr. Breagh:** He is getting very unparliamentary; rude as a street fighter.

**Mr. McClellan:** Gutter language.

**Mr. Breagh:** Gutter language, as the Minister of Health (Mr. Norton) would say.

There is a need to establish clearly even at this late date, this afternoon, as I speak, brief though these remarks are, that there is still an opportunity for the government to negotiate, if it wants to, a settlement to this dispute. It is choosing not to.

We sat here yesterday afternoon and evening with members of the Vespra council in the chamber. I did not see any government member, certainly not the minister or the parliamentary assistant—there is reason for that—going near these people. All a government member had to do was walk across the chamber, sit down beside the members of the Vespra council and say these simple words, “How would you like to do a little negotiating this afternoon?” They would have said yes.

The government chose not to do that. It is a government decision to move closure on this kind of debate. It is a strange one indeed. It is symbolic that it was the Minister of Municipal Affairs and Housing who moved at the end of his remarks last night that the question now be put. He moved closure after he had had his say, and I know there were other members who wanted to speak. I really think there is something wrong with a system that allows it to go this way; there is something wrong with a process that is so clearly out of whack.

As I said last night, there are government members opposite who, if not now, certainly in the near future when they are back home facing their municipal councils, when they are at the fairs this summer and this fall or when they are at the socials, will be trying to explain for a little while the actions of the government in using closure on a bill such as this.

I predict, and I think there is not much risk in it, it will not be very long before they will abandon that line completely and try to dissociate themselves from the actions of this government. They will try to say there is some vague parliamentary tradition that a minister must always get his way or something, and they will look for means whereby they can rationalize as best they can the actions of the government on this bill.

They will be looking at the 104 municipalities that said, “Do not pass this bill”; they will be

looking at all the other municipalities that said, “Not only do not pass this bill; do not put a closure motion on the proceedings for this bill.” I think they will say in retrospect, and it will not take very long for retrospect to set in, that this was a wrong thing to do, this was a horrible precedent to set.

The bill itself has been kicking around for a brief while here, not as long as some bills. One could say we had what would pass in some circumstances as a set of hearings, although several objections were raised to the forum and the format of the hearings.

The bravery of actually going up to Simcoe county to hold public hearings is much touted. I want to point out once again that this was not very much of a set of hearings; it was really a very limited set of hearings. It was, in fact, one hearing session, which did not go on for very long; the latter part of an afternoon and the early part of an evening was the extent of the hearings in Simcoe county.

It seems to me that on any other matter, on any planning matter, for example, we would not allow the Ontario Municipal Board to go up there and say: “Fine. We are here to hold public hearings, but we are here only for a couple of hours, and only those who can get here during that time period will really have much of a chance to participate.” There was the pretence of that.

One could argue that there was some clause-by-clause debate during the course of the committee, and there was: an afternoon and part of the following day, when the committee was finally allowed to see what the government really intended to do. But there was not much deliberation on it. The boundary lines are certainly rather arbitrarily drawn, and the conditions under which the bill was put together were rather unusual in my legislative experience around this place.

I suppose the government may choose to do some other little fancy footwork around the edges. The government could, I suppose, say, “Now we have passed the bill, but it has not been proclaimed.” We might perhaps in the near future hear some agent of the government say: “We will not proclaim the bill for six months. We will now go off and enter into negotiations.”

It is an unconscionable act, a ridiculous act, to pass a piece of legislation like this, which is going to have an impact now and for the foreseeable future on at least three of the municipalities in the area—the city of Barrie, the township of Vespra and the county of Simcoe—



when none of these parties has any idea of what its liabilities will be in the foreseeable future.

This government, for example, could make the city of Barrie very unhappy—and it is likely to do so, quite frankly—in the near future by putting all the financial obligations for compensation on to Barrie. That is quite possible.

I am reminded that in a recent budget it did something very nice for our seniors and our handicapped in allowing certain assessment privileges to flow through to them, but that loss of assessment will fall to the municipalities, not to the province. It would not be the first time it decided to settle a dispute with somebody else's money, so the city of Barrie may turn out to be very unhappy with this in the very near future.

It is not unfair to say that if it wanted to offer compensation, for example, it would clear the record this afternoon over legal fees, for one thing, that have been incurred over the last few years. The minister keeps touting the figure of \$1 million. I tend to think that comes out of the air, but it is his number.

**Mr. Nixon:** How much?

**Mr. Breagh:** One million dollars in legal fees over the last 10 years.

**Mr. Nixon:** They passed that five years ago.

**Mr. Breagh:** That is quite possible. In my view, \$1 million is still a lot of money. I appreciate that in the government's view—

**Mr. Nixon:** Not to these downtown Toronto lawyers it is not.

**4 p.m.**

**Mr. Breagh:** Never mind the downtown Toronto lawyers. I dare say there is \$1 million floating, flying, hanging and doing various other things in the front yard of Queen's Park today. There are flags out there; there is a \$60,000 sign; there are new flagpoles; there is some kind of anti-nuclear bandstand being built out there that could probably withstand a direct nuclear blast.

If we are still here debating this bill on July 1, the government will probably blow a pretty good wad on that celebration. Last year in one evening of entertaining the bankers of the world, it put out close to \$1 million for one evening's soirée.

**Mr. Nixon:** That is repetitious.

**Mr. Breagh:** The member says that is repetitious. He probably went to that soirée, the devil.

I want to ask the minister a question once again and then I am going to conclude because I know other speakers are anxious to proceed. In his reply last night the minister attempted in a weird way to respond to that favourite old question of

mine, "What role was played by the law firm of Goodman and Goodman in this transaction?" The minister would lead me to believe that a lawyer in Barrie read the newspapers and on that basis advised his council it ought to withdraw its objections to the expansion of the Cadillac Fairview mall.

The minister made no mention of the fact that this decision was more likely to be made on Queen Street in the offices owned by Cadillac Fairview and that the law offices of Goodman and Goodman are also in that building. He made no mention of the fact that John Craig Eaton is one of the people who will wind up being a tenant of the Cadillac Fairview mall, which is at the heart of this controversy, and that Mr. Eaton also happened to host one of the many triumphant dinners in the Premier's honour at the Toronto Hilton Harbour Castle.

The minister made none of those connections at all. We are led to believe this afternoon on the record that all this happened through some lawyer in Barrie reading the newspapers. One would have to be a neophyte in the Legislature and nearly blind to politics in Ontario not to understand that the power structure is somewhat different from that.

**Mr. Nixon:** Is being a neophyte legal in Ontario?

**Mr. Breagh:** I think being a neophyte is legal. There may not be many in Brant-Oxford-Norfolk.

**Mr. Nixon:** I can tell the member there is none. We have a number of thespians.

**Mr. Chairman:** Could the chair make an inquiry of the member for the aid of the committee? We are still having his short opening remarks, and I appreciate that.

**Mr. Breagh:** That is right, but winding down, as they say.

**Mr. Chairman:** Yet we know we have a date with destiny on the vote in this committee. May we have some indication from the member when we should move to clause-by-clause consideration of the bill?

**Mr. Nixon:** The chairman cannot be more gentle than that.

**Mr. Breagh:** I am responding to his gentleness. Just prior to your coming back from your break, sir, I informed the previous chairman of the committee that I am concluding my remarks.

**Mr. Epp:** That is what the member said three or four days ago.

**Mr. McClellan:** This is so interesting I want to hear more. Tell us more about Fred Eaton.



**Mr. Breagh:** No. John Craig Eaton is the gentleman in question. We are aware of all the players in this. I have attempted to lay them out for the folks around here.

I have not yet had an answer to my question. What was the role played by the law firm of Goodman and Goodman, and in particular by one Fast Eddie Goodman, in putting together this deal? That question was asked a long time ago. It has been asked everywhere I can think of to just about everybody I can think of. No response is forthcoming.

I have asked what the minister means when he says he has attempted to negotiate this dispute since December. As I have pointed out again this afternoon, not much of an answer has come about that. I have asked from one end of this province to another, "Why is the government proceeding with this bill in this way when it is so unnecessary?" No answer is forthcoming to that.

Why does the government not simply stand this bill down until the fall session and go through a series of meetings? If they can come back in the fall and establish very clearly to me that they met once a week with people from Barrie, Vespra and Simcoe, attempted to contact them regularly and attempted to provide information back and forth, that constitutes negotiation to me. If the government were able to say at that time that Vespra township was not prepared even to sit down at the table through all this, then I would have to yield my place within 30 minutes without question.

We have no shortage of questions. What we have is a shortage of direct answers. They have not been forthcoming. This is one of those situations when, perhaps by choice and perhaps by the way of the world, this Legislature has got itself into two closure motions on a boundary dispute, something that has never happened in any other parliament.

I dare say if we had such a thing as a secret ballot here, this bill would go nowhere. There would be lots of government members who, if they were not threatened with sanctions by their whip, would be prepared to say: "This does not make a whole lot of sense, fellows. Somebody had better answer some of these questions." This Legislature would be faced with a much different set of circumstances.

I have been able to speak on this question and get my concerns on the record. They are concerns I believe to be valid. Though I have taken some abuse from members opposite, I have been chased around the block by larger dogs than them and they do not bother me a great deal. It has been

quite remarkable in the sense that it has been almost a civilized activity we have gone through.

I appreciate that the chair on a few occasions anyway has seemed to me to be harassing me slightly, but I must say it was done gently and in a way that was very parliamentary. I want to commend the Chairman and the other people who have occupied the chair during the course of these brief remarks for conducting themselves in a way that was both exemplary and very parliamentary.

I sincerely regret the government of Ontario moved two closure motions last night and that it has refused consistently and steadfastly over a six-month period to answer any of what I think are the relevant questions. I recognize that ministers do not have to answer questions or answer to things I think are important, but I do think that, at some point, not just the people in Vespra township but people in municipal governments around Ontario will want some answers. They will not be happy with the stonewalling that has gone on here; they will want some logical explanations, none of which is forthcoming.

I want to conclude my brief remarks by saying the government has chosen its own route, which is fair enough. This government has a majority. None of us has any illusions that it ever has to pay any attention to the opposition or that it ever has to do what is right, wrong, fair or reasonable. It has a majority and it can do what it wants. That carries with it a large measure of responsibility to be both fair and equitable by anyone's standards and to address itself to the problems of a little township such as Vespra, even though the government does not think the township is being fair or playing the way the rules are supposed to be played.

They had the audacity to question the government of Ontario, the tenacity to say what they thought was correct and to stick with it over a lengthy period of time. They were so uppity they actually used lawyers, went to court and made appearances before the Ontario Municipal Board when they thought something was wrong.

That is an unfortunate price we all pay in a democracy. We have to listen to opinions we do not particularly appreciate. We have to pay some attention to people with differing points of view. Frankly, I think this would all work out fine if we sat down this afternoon and said: "That is it. We can do one of two things. We can negotiate our way through a settlement this afternoon or include some kind of settlement package in this bill."



I am aware that the government is not prepared to do that. I wish it were. The minister could make a statement some time in the next few days that would say, "Here is the kind of compensation offer we are prepared to put forward to Vespra township, Barrie and Simcoe county." I am aware that is not forthcoming either.

I keep hearing rumours that everybody knows what the government's position is, but no one will say what it is. I think that is unfortunate. This is a situation where everybody now wants to get this thing over with and resolved. But it has gone on for so long and the animosity is so deep that nobody is foolish enough to get into some kind of secret backdoor meeting where a deal is put together. We have all had enough deals in this matter. That is not the way this will be resolved.

**4:10 p.m.**

As we are forced through this debate by means of closure motions, I hope and pray that somewhere this government is going to come to its senses and say: "We did what we had to do for whatever reasons, but in the final result we need to re-establish our credibility on this matter, not just with two or three rural townships, not just with the city of Barrie and not just with Simcoe county, but with municipal governments all across Ontario. That is a prime requisite of the government in the forthcoming weeks."

The Minister of Municipal Affairs and Housing has persistently said they always treat everybody fairly and well. I hope they do that. I wish I could believe that would be the case. That has not been their track record in this case. It has been abominable, and I think they know that. I am not sure they are not moving closure just out of an attempt to save face and show they are once again the bully boys on the block, that they have the majority, that this is the Big Blue Machine and they are going to stomp on one more rural township. I think that would be sad.

I want to close with a plea that the government of Ontario finally attempt to put together a compensation package and make it known publicly so that municipalities in the area can respond before we conclude this debate. I think that is possible and it is reasonable.

That would take away some of the sting of hurt feelings of people who feel not only disappointed that they did not get their arguments accepted, but that they were shown a great deal of disdain by this government and that they were not even allowed to participate in the final negotiations on this bill. I think it is incredibly important that this government does that. I beseech them to put that package out in the next day or so to let a set of

negotiations begin and to expedite them as best they can.

With those brief remarks, I conclude my introduction to this clause-by-clause debate.

**Mr. Chairman:** Shall section 1 stand as part of the bill?

**Mr. Haggerty:** Mr. Chairman, I have been waiting for about a week to speak on this bill and on the closure motion.

**Mr. Chairman:** On section 1?

**Mr. Haggerty:** No. I was a member of that committee and I think I should have the opportunity to express my views.

**Mr. Chairman:** I have just one question. Is it section 1 on which the member wishes to speak?

**Mr. Haggerty:** We are dealing with the whole bill, particularly section 1, and the annexation—

**Mr. Chairman:** We have had the opening comments by the critics and by the parliamentary assistant. Now we are moving to section by section.

**Mr. Epp:** Mr. Chairman, on a point of order. The member for Oshawa has had more than ample time during the week. He again abused that privilege today by taking up the last hour on this matter when we thought we would be able to get into this. My colleague the member for Erie (Mr. Haggerty) was a member of that committee and wants to speak on it. He is not going to abuse his privilege. He just wants to make a few comments. I hope that you will extend that latitude to him.

**Mr. Chairman:** I wonder if we could agree that—

**Mr. Rotenberg:** Mr. Chairman, on a point of order—

**Mr. Chairman:** Order. I am responding to one. The point I am making is that I am sure it is in the best interests of the committee to move on to our responsibility, and that is to deal with the bill section by section. Perhaps the member has remarks under section 1. If not, perhaps there is another section under which they could be focused.

**Mr. Haggerty:** If it is the section on annexation, then I have something to say about annexation.

**Mr. Renwick:** That is section 1.

**Mr. Haggerty:** That is section 1 and it covers a rather broad area.

As I indicated, I was on the committee dealing with Bill 142. If we look at section 1 of the act, it says "annexed area" between the city of Barrie and the township of Vespra. Of course, it gets



into other areas that relate to annexation. Normally, when an annexation takes place from one municipality to another, there is a formula that uses the word "compensation" in the act at some place in the discussions.

I was a little disappointed the government had to bring in closure on this bill. This is a rather sad and dark day in Ontario. At this time of year we are always reminded of one of the great charters of rights, Magna Carta, signed on June 15, 1215, which gave the rights to the courts to every person. I looked it up to see what I could find out about it. It says it was signed by King John at Runnymede on June 15, 1215, and it is called the bill of rights. The king promises that no constable or other bailiff shall take a man's corn or other chattels without payment.

Our Constitution followed from the great constitutional history of England and the parliamentary form of government there based on the democracy at that time, particularly the beginning of it. I suggest that justice is not being followed through here on that principle of Magna Carta.

I look back to the introduction of the bill on December 15, 1983, and I want to go back to what the Minister of Municipal Affairs and Housing said. He said, "The fact is that in the bill that will go out I thought the committee wanted to have some degree of flexibility in being able to discuss something that is worthy of discussion rather than being told"—and this closure tells us the intent of the government; we are being told to curtail debate on it and get on with it—"This is what is going to happen. You are going to spend two days, three days, two weeks or whatever period of time in just going through a raft of things."

I sat on that committee and about all we did was go through a raft of things. There were 149 submissions presented to that hearing and heard by the committee and there were also delegations. About 95 per cent of them were opposed to the bill; there were even some people in the city of Barrie who were opposed to Bill 142. The chamber of commerce comes to mind as the only group that was in favour of it and it could not give just a reason for it.

The minister went on to say: "I am not about to lock myself in on July 1 or January 1, other than to say I hope the committee will come back with the advice of Vespra, Barrie and others with a realistic proposal." After hearing all those submissions, the committee, particularly the persons in opposition and even government members, thought this thing was being rail-

roaded through, that we were being told what to do.

The minister went on to say: "I suggested very clearly in my statement in the Legislature that we will be making, along with Barrie, some compensation to the community of Vespra. It has been told that time and again, but I cannot give a figure until I know what the boundary line is going to be. Obviously, I cannot start to try to project something when I do not know whether it is really going to be in or out of the proposed new boundaries of Vespra and Barrie."

We sat and heard the delegations. I think there was a consensus among the majority of committee members that in the original proposed Bill 142 we were going to take in the ridge of the trans-Canada pipeline, some 4,000 acres. In the Ontario Municipal Board decision it came down to 347 or so acres. The minister indicated he wanted it on that high ridge, which would be the dividing line between two watersheds. The majority of the committee came back and suggested 2,000 acres of land.

That was back in February. The minister has had most of February, March, April, May and June, and still has not come in with the compensation formula that will be used. I think he and even his staff have had ample time on this.

**4:20 p.m.**

I raised some questions in committee on this matter and I thought I would get some clear-cut answers. The parliamentary assistant did say in reply to my questions to him, "The policy of the minister and the ministry in these situations has been, and in this situation would continue to be, that the minimum that is given to a municipality for loss of assessment from the municipality which is taking over the assessment is"—and this is the financial loss to the municipality after the first year of the annexation; in the case of Vespra, it would receive, "100 per cent of its financial loss."

In this annexation taking place, we know the township of Vespra will lose about 90 per cent of its industrial or commercial development assessment. In the second year it would receive 80 per cent of its financial loss, 60 per cent in the third year, 40 per cent in the fourth year and 20 per cent in the fifth year.

In this case, because it is half of 1984, Vespra would receive 100 per cent per year and a half. That leaves 100 per cent for the extra half year. That is the minimum the minister would be ordering Barrie to pay Vespra.

If I were going to be at the negotiating table on behalf of Vespra township, there would have to



be a maximum if the word "minimum" were used, if one wanted to bargain in good faith and come to some reasonable solution without having a shotgun held at members of the Legislature on the closure motion. In fact the shotgun is being pointed at Vespra township, its residents and its council because the government is saying, "You are going to have to take this route because there is no alternative." That is what has been said to the township of Vespra.

That is the minimum the ministry would be ordering Barrie to pay Vespra. The actual dollar amount cannot be available at this time because the actual dollar amount is not available until the assessment and the effects of the unconditional grants are accurate. I think the ministry has had ample time to come forward in this area with some more reasonable terms to solve the problem.

I talked to the reeve of Vespra township. He told me his council has not been advised of any amount of compensation as yet. I do not think the government has any intention of settling down to deal with them.

There were some concerns raised by government members. One of the issues was that the 2,000 acres of land to be given to Barrie included some valuable agricultural farm land in that area. Some of the members on the Conservative side said they thought this should not be the way to go.

The parliamentary assistant said: "The government has a policy designed to ensure, to the greatest extent possible, that urban sprawl does not desecrate the rich agricultural heritage of our great province. This was first announced by the Minister of Municipal Affairs as far back as 1966 in a statement to the Annual Conference of the Association of Mayors and Reeves in Sarnia." That was Mr. Spooner outlining the government's policy for urban development in rural areas.

One can look at that statement of policy, followed by that of the great dreamer of Ontario, the Honourable John White, when he addressed the Association of Rural Municipalities at the Royal Connaught Hotel in Hamilton on February 4, 1974. He is very critical of the municipalities. He said, "In respect of urbanization, what I want to discuss is the problem of urban development or urban influence in rural areas where proper land use controls are lacking."

That was almost eight years after Mr. Spooner had something to say about it. He said: "The principal offenders are those who build cottages in uncontrolled rural areas, city people who build

homes on agricultural land with no intention... developers who thwart the plans and intentions of town councils by building shopping centres just outside town boundaries."

One would think the government, in particular the minister in this area, would be consistent with their policies. It was not too long after that that the Honourable John White was driving past the town of Dunnville into Jarvis through Simcoe when he had a dream, a vision I guess it was. Apparently he saw the light and he said, "I want to build a city at Nanticoke."

He went in and froze some 14,000 acres of good agricultural land in that area. Much of it sits idle today. My colleague indicated to me today that the Ministry of Municipal Affairs and Housing is responsible for selling off some of that land up there now and some of it is going back to farm land.

That is how consistent this government is with its planning developments. It was not critical of that purchase of the 14,000 acres at Nanticoke to build a city of 350,000 people and put up shopping plazas and everything else that goes with it. But here it is dealing with the little municipality of Barrie. It was fortunate enough to have some commercial development taken place in a small township on its outskirts with a small assessment. I also understand there were previous annexations.

Yet here the government is very critical of that move because somebody else had gone into another municipality and decided he would build there. If developers cannot get what they want in the downtown core of these cities I suppose they must move to some other area. Unfortunately they go out into a township.

I would like some clarification of the point in the minister's address last night where he said "Bill 142 will allow us an opportunity to formalize the commitment and also to indicate clearly our obligation. It is not spelled out in dollars because we have not had the opportunity to negotiate it."

I think the government has had the opportunity. I would like to know, what commitment? Who did the government make a commitment to? Was it directly to the city of Barrie, saying the city could take 2,000 acres of land and do what it wanted with it? I would not oppose this so much if Barrie were a part of the county structure of government, but it is not. There is another party to this that is also going to be shortchanged and which is not even mentioned in here—the county itself.



I do not know whether there is going to be compensation for the urban roads or other services in that area. Barrie will walk off with that assessment, plus another \$20 million that has been committed for development in that area by Cadillac Fairview. That means there is \$20 million in assessment that is going to be added to the Barrie coffers without any compensation to the township of Vespra or the county at all.

I do not know what proportion Barrie pays into the county board of education or into the county library services or into the county roads in that area. There are many services the county provides in that area and losing this assessment is going to cause a severe impact upon an already hard-hit county. I should not say just Barrie as a county, but every municipality is hard hit today for tax dollars. I suppose this means there is going to be an additional tax levy put on the county structure of government and on the township of Barrie.

With the programs they have had in the works here for the last five or 10 years, a shortfall of assessment will certainly cause severe property tax problems to the owners in that area. It was mentioned during the hearings that the shift in property tax will be much greater after losing the commercial assessment.

8:30 p.m.

We on this side are looking for answers, but they will not be found until the government can come up with some areas of compensation—fair compensation, something that is not at the whim of the minister. If the committee had the authority at that time, it could have come to some conclusion about fair compensation.

It is my personal view, having sat on the committee, that we were used by this government. They knew full well they were going beyond the 347 acres or so handed down by a decision of the Ontario Municipal Board. It is good politics to say: "There will be 4,000 acres involved in this. Come back with new boundaries." The boundaries came back 2,000 acres more, which is more than the city of Barrie requires. It has not been able to fulfil the services it promised when it annexed the township of Innisfil.

I suppose this is where the commitment comes into the picture. We know the government promised \$24 million of upfront money to the city of Barrie for annexation purposes. If Barrie were to get the land from Innisfil and the township of Vespra, \$24 million of provincial funds would be put in there. I do not know the details. It was never explained what would be

incurred. I understand the money would be used for hard services, sewer and water improvements, in the annexed area.

Whichever way one looks at it, the county has to raise the money from other sources or obtain permission to get it from the consolidated revenue fund. It is certainly going to involve Ontario in a certain amount of cash flow to help finance this commitment, and I suggest that is the wrong approach to take.

When we talk about annexation, I think of when the government and Darcy McKeough brought in regional government. There was a form of a closure motion then, I remember. We debated first, second and third reading in almost one day. We worked around the clock. I remember many of the members on the opposition side worked in shifts during the debate on the regional municipality of Niagara bill. We were still debating that bill around three or four o'clock in the morning. It was finally brought down. I guess one might say there was a form of closure. The government said, "Enough is enough," and brought in the vote procedures. We on this side were shot down.

Any of the regional bills that have been passed to restructure county governments are based on the government saying: "We are following the principles set down by Mr. White in 1974. He wanted to control urban sprawl." I think of the regional municipality of Niagara. Since the larger cities have taken in the townships, particularly the townships of Humberstone and Bertie and other townships throughout that area—the city of Welland has taken in the townships of Crowland and Thorold—one can see more urban sprawl in those communities than ever before, even with the official plan.

Malls have grown from one municipality to another. For example, in the city of Port Colborne, two malls were built almost on the same road, at the Highway 58 intersection. Both of them are starving right now and one has closed up. This is happening in all the malls throughout the region. It is interesting to look at the development, when we are supposed to have controls to save agricultural land. That has not taken place.

The government hides, saying, "We are following out our policies of 1966 and 1974," which is nothing but hogwash. They have not stuck to that principle. We can find this right through Ontario. I think in particular of Nanticoke where the government bought 14,000 acres of land, which sits there idle, growing weeds. They let farmers come in and crop some of it.



This bill and the motion of closure on it are hard to accept. I see no reason for the government, if it is really talking about a fair deal, not to sit down with Vespra and say: "The minimum is this. We are willing to go this route."

I am sure Vespra would see it written on the wall that it is going to have to bow into it or take this route of forced legislation and closure. That would really resolve the problem without having a shotgun at its head.

If I were a taxpayer in that municipality, I would have my council fighting tough too, the way Vespra has. They will lose 50 per cent of its total assessment. With the grant structure this government has, and cutting back on funding to municipalities, Vespra is going to have a tough, severe time providing the amenities programmed for the last 10 years.

This government has taken an unjust approach by having closure and even bringing in Bill 142, because Vespra was a viable municipality. It asks nothing but to be left alone, but the government is taking its cash flow. That is like putting it into bankruptcy. That is what the government is going to do with that municipality.

If this government has the courage, let it, through the parliamentary system, come in with the compensation we hear so much about, as the minister indicated on December 15, 1983. The boundaries have been decided by the government members. Let us have the compensation and the numbers now for us to make a clear judgement call on this bill, particularly as it relates to the closure motion and the annexation in total.

The government has been sitting on it for four months now. Surely there is sufficient staff. I know they are capable over on that side of coming up with the numbers we are looking forward to. I would not want to sit there and let the minister say at the end of the bill, "I may decide what the compensation is." If he can hold a shotgun to this Legislature now, who knows what he is going to do to Vespra. He will probably bury it after the blast.

**The Deputy Chairman:** Are we ready to take section 1? Does any other member wish to participate in this debate?

**Mr. Breagh:** I would be ready to take it if there was someone here to take it through. I want to point out there is no minister of the crown and no parliamentary assistant in place in order to proceed with the legislation.

**The Deputy Chairman:** He is in his place now. I think I see him.

**Mr. Breagh:** If it were not for my good graces to occupy the time of the House, he would not be in his place.

**The Deputy Chairman:** Mr. Breagh move under standing order 85(a) that the Chairman leave the chair. This motion is always in order and takes precedence over any other motion. It is not debatable.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr. Epp:** Mr. Chairman, let us try to be reasonable about this whole thing. Let us get the show on the road. If the member for Oshawa wants to play games, let him play games, but let us try to be reasonable and mature about this and try to discuss the clauses in front of us.

The problem is before us. We have an important bill. If people do not want to treat this as an important bill, they can go home and play their games at home. They are being paid a reasonable salary here at Queen's Park and they are being paid to be mature. If they want to play games, let them play them at home.

**The Deputy Chairman:** All I can say is the member for Oshawa had ample opportunity under—

**Mr. Breagh:** I just wanted you to know, appreciated—

**The Deputy Chairman:** I am going to defend the member. He had ample opportunity under the standing orders to lodge that motion and the motion was defeated.

4:40 p.m.

**Mr. Breagh:** The member for Erie supported the motion and voted with the NDP. It is unfortunate that the other two members—I am dealing with the Liberal caucus here, so it is normal to have one on one side and two on the other.

**The Deputy Chairman:** Are we able to proceed now with Bill 142?

**Mr. Breagh:** We have managed to give the parliamentary assistant, such as he is, the opportunity to get back to his seat. It seems to me he is almost ready to deal with the bill.

**The Deputy Chairman:** Let me ask one good question. Does any other member wish to participate in this debate on section 1?

**Mr. Epp:** Mr. Chairman, we are dealing with section 1 which deals with an important aspect of the bill, and that is the annexation of 2,000 acres of land, the principle of the bill itself. Within those 2,000 acres, we have about 320 acres which originally were granted to Barrie by the Ontario Municipal Board. Part of that total are



represents a considerable amount of the assessment for Vespra itself.

For a small municipality, we can see that losing 90 per cent of its assessment all of a sudden is a very important factor. If we were to extend that parallel situation to the city of Toronto or to any other municipality in this province—I am sure the Premier would not like to see his own dear Brampton lose 90 per cent of its commercial assessment or 40 to 45 per cent of its total assessment.

We have a bill that is being extremely unfair to the municipality, this very small municipality which has been penalized by the provincial government for trying to attract a certain amount of expansion and businesses—trying to attract businesses such as K mart Canada Ltd. and a number of service stations. I think there were a Towers store and a number of other large stores.

They are being penalized for being farsighted, for permitting expansion, as my colleague the member for Brant-Oxford-Norfolk (Mr. Nixon) indicated yesterday, which the provincial government has permitted over the years. They have their civil servants to advise them on various policies and they permitted these policies to exist in other municipalities.

We are obviously opposed to this bill. We are opposed to the process that the provincial government has decided to take through this motion of closure. We wish a number of our members had the opportunity to speak to the bill, and we are going to oppose this section as well as every other section.

I know other members will wish to speak on other sections, and they should have an opportunity to speak on each section if they wish to do so, so I am going to cut short my remarks.

**The Deputy Chairman:** Is it the pleasure of the House that section 1 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 1 agreed to.

On section 2:

**Mr. Breagh:** Mr. Chairman, I am anticipating an amendment to section 2 on the part of the government to push back substantially the date which now reads a July starting date, which I believe, for all practical purposes, is not possible.

I would have anticipated that the parliamentary assistant, quick-witted person that he is, would be proposing an amendment to push this date back to January 1985. I am looking for some

indication that he is still alive over there. I think rigor mortis has set in. I am sure he will want to respond to that point in this brief but very pithy clause-by-clause debate.

**Mr. Rotenberg:** Mr. Chairman, I am very pleased that the member for Oshawa has finally asked a question he wants answered, rather than asking all those rhetorical questions.

I have given no notice of any amendments, which I would have done had there been amendments. I am not putting forward any amendment to change the date. There is no reason to put forward an amendment to change the date and it will not be done.

**The Deputy Chairman:** Is it the pleasure of the House that section 2 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 2 agreed to.

On section 3:

**Mr. Epp:** Mr. Chairman, we are dealing here with a very important aspect of this bill, and that is compensation. We are dealing with the assets of the township that are going to be with the township on July 1, and the very important assets that will go to Barrie.

Barrie has already been given about \$19 million for services and so forth. That is what the province has given to Barrie in the last few years to provide services to the city and to some of the expanded areas.

We noted during the committee hearings that many of the areas annexed by Barrie on the understanding, I think from some years ago, that they were going to get services, still did not have services 15 or 20 years later. That is an important point. If an area is annexed and there is some expectation that it is going to be get services and then it does not get services, that area has been annexed under a false pretence.

We know that the commercial area has the understanding it will get services. Originally, I thought Barrie wanted that area because that 320 acres was not being properly serviced, yet we understand now, after the bill has been introduced, that a lot of those areas are not going to be getting the storm sewers, sanitary sewers and hard services that are important to commercial areas.

I am not saying they are asking for it, because they never wanted to be part of Barrie in the first place, but now that Barrie has money from the provincial government for expansion and now that they are going to be annexed, the logical



thing to follow is for them to get those services; yet it does not appear they are going to get them.

I wonder where the government stands on this. I hope the parliamentary assistant, the member for Wilson Heights, will address this important point to bring the members of this Legislature up to date with respect to exactly what services are going to be offered by Barrie to the annexed area, and particularly to the commercial and industrial area which is the heart of the area to be annexed.

When we are dealing with compensation and when we are dealing with assets and liabilities—we are going to have an opportunity to speak on this a little later—the township of Vespra is giving up a considerable amount of its assets. Barrie is not really going to assume any liabilities. As a consequence, Vespra township is going to have to lay off people because it will not have to service the same area. They will lose some of their assets. I wonder where the government stands with respect to giving a true package of compensation to the township of Vespra.

The minister was able to grace us with a few hours of time during debate on the bill yesterday. As we know, he is always conspicuous by his absence. I know, Mr. Chairman, how concerned you are about that point. He is absent time after time. I think his hand must shake when he gets his paycheque as a minister every month. He is seldom here to speak on a bill and to address the important issues of the day.

**4:50 p.m.**

In the minister's absence, I hope the parliamentary assistant will be more specific with respect to compensation for the small but important municipality of Vespra. We hope he is going to be able to do that very shortly.

**Mr. Rotenberg:** Mr. Chairman, unlike the member for Oshawa, the member for Waterloo North has asked questions he wanted answers for.

What services will be provided to the annexed area? I assume that when this area becomes part of the city of Barrie, Barrie will take on the responsibility of servicing it. Unfortunately, for whatever reason, there has not yet been any discussion between the two municipalities about the takeover of service, except for the phone call made today by the chief of the Vespra volunteer fire department, who said in effect, "As of midnight Saturday night we are not going to respond to any more fire calls in the annexed area," without any attempt on Vespra's part to ask Barrie, "How do we sit down and have an orderly transition between the two municipalities?"

Be that as it may, I am sure the Barrie fire department will assume its responsibility at midnight Saturday night to provide the fire protection services. I am sure there will be discussions among the Solicitor General, the Ontario Provincial Police and the Barrie police department about taking over the police force at some time in the very near future. Other municipal services will be phased in by Barrie because that is its responsibility.

As far as a true package of compensation to Vespra is concerned, the member for Waterloo North mentioned the employees. Fortunately or unfortunately for Vespra, it collects the taxes from this area but really provides no municipal services except firefighting on a voluntary basis; it provides no police and no garbage collection or the other services that are provided. So there does not seem to be a problem with any employees losing their jobs.

Compensation for loss of assessment is covered under section 9, which we will get to soon. Regarding the assets and liabilities that are attributable to the annexed area, this section provides very well for a system whereby they can be totalled up, because the representatives of each municipality will be on a committee, and if one municipality is not happy with the result, the Ontario Municipal Board, which Vespra seems to think is the greatest thing since sliced bread—I likes it now when we are in the legislative process—can then arbitrate if there is a disagreement, and I hope there is not.

I hope that once this bill does pass, Vespra will be prepared to participate in what would then be its legal obligation to negotiate under both section 3 and section 9.

**The Deputy Chairman:** Before the member for Oshawa continues, may I suggest that the fact that there is a time limit in the government motion does not mean we cannot go more quickly than the time limit; it is only as long as we do it before 5:45. The member for Oshawa may want to be apprised of that.

**Mr. Breagh:** Mr. Chairman, I had intended not to attempt to blockade anything in the course of going through this clause-by-clause debate this afternoon.

I want to put you on notice that I do not intend to sit here this afternoon and listen to that kind of cheap shot from the member for Wilson Heights. He just stood in his place and said the start date is July 1, then he gives the volunteer fire department in Vespra some kind of small, piddling, raking over the coals, as much as he can muster for saying that after the start date, which h



chose—and he just reiterated it—it is not going to provide fire service.

I do not know what he thinks he can possibly gain by insulting a volunteer fire department in Vespra; I do not know whether this is the height of his intelligence or not. But I am telling you, Mr. Chairman, and him indirectly, that I do not intend to sit here for the remainder of this afternoon and listen to him take cheap shots at anybody from Vespra or say things that are stupid and derogatory about a volunteer fire department in Vespra or anywhere else. More important, I do not intend to listen to his garbage about me any more, either.

He may get questions that he likes a little better than those he gets from me, but I will ask them when I feel like asking them and I do not take any direction from him. So if we want to proceed smoothly and in a co-ordinated manner this afternoon as we move through this debate, I suggest the member for Wilson Heights would do us all a great service by disappearing.

**The Deputy Chairman:** I am not going to comment on that.

**Mr. Rotenberg:** Mr. Chairman, the master of cheap shots is over there. He has been doing it for nine hours.

**Mr. Breagh:** He is at it again.

**Mr. Rotenberg:** You have been doing it all afternoon. You just said it. The problem with the members opposite is they can dish it out but they simply cannot take it. They just cannot take it at all. They are very thin-skinned.

**The Deputy Chairman:** We will now take section 3 which is before us.

**Mr. Rotenberg:** Mr. Chairman, I was not criticizing the Vespra volunteer fire department. It was under orders from the Vespra council because the fire chief had said, "I have my orders." All I am saying is it would have been much nicer, in the spirit of co-operation, if the fire department's volunteers had said—despite the fact that Vespra is unhappy with us—"Let us make the transition Saturday night. Can we sit down and work out an orderly transition?" rather than saying, "After Saturday midnight we are not going to do anything because those are the fire chief's orders."

That was not done. It should have been done. It is not the fault of the Vespra fire department. Those are the orders it received from its council.

**Mr. Breagh:** Mr. Chairman, it is not just a cheap shot against the volunteer fire department; now it is a plot with somebody who has agents of

Vespra council up there directing the volunteer fire department in what it will and will not do.

Perhaps it might even be that somebody read the bill which says it comes into effect on July 1. The parliamentary assistant just said that. He can suck and blow all he wants. I am telling him to have the common courtesy to sit down and shut up for the remainder of the afternoon; do his government a service.

**Mr. Nixon:** Mr. Chairman, I just want to put to the parliamentary assistant some concerns that come over from our experience in Brantford with the provisions of section 3.

The parliamentary assistant may recall Brant-Brantford took an entirely different road to solve its boundary problems, which had gone on as long as those in Barrie-Vespra. We used ad hoc legislation, or at least specific legislation, for that particular situation, which led to general legislation called the Municipal Boundary Negotiations Act.

That might have been used here, but because the ministers involved and their various assistants could not find enough goodwill in the two partners to proceed, they had to proceed by this legislation. A section similar to section 3 is in the general legislation and applied to Brant-Brantford.

In the instance here, an arbitration group is established. If the two sides do not like the arbitration, they can appeal to the Ontario Municipal Board.

Our experience in Brantford township and Brantford city was not a particularly good one. We did not have a rush of bad feeling and acrimony; as a matter of fact, it was just the opposite. In the two councils and their negotiating groups, there seemed to be a feeling that, with the goodwill expressed by the then Minister of Intergovernmental Affairs, they could set aside a number of items—I think there were about seven items—for later arbitration and that this would all work out fairly for all concerned.

So the agreement went forward and the bill was passed relatively painlessly, because both sides had reasonably opted for its principle. But the matters that were set aside for arbitration have resulted in a good deal of difficulty. I would not say acrimony, frankly, because the principals have been able to maintain a moderate stance.

I do not want to mess the ongoing negotiations by being particularly critical of the present minister, but he has been somewhat unbending in this direction. If he were here, he might rise and take a different opinion, but in my objective, fair



and informed view, he has been somewhat unbending.

These seven items were sent to arbitration. The arbitration decision was quite acceptable to Brantford township which originally might have felt itself the injured party. Just like Vespra, it had to give up a substantial percentage of the overall assessment in the whole township. The shopping plazas, the developments and so on, all went into the city. The arbitration was established in circumstances of certain water facilities and other things.

### 5 p.m.

The city of Brantford looked at the arbitration and the provision of the bill, which was similar to this section 3. It said if one side did not like it, it should appeal to the Ontario Municipal Board. That is exactly what they did.

As a matter of fact, in an attempt to sweeten the pot a little, the minister offered to throw in a specific amount of money. I should remember the exact amount. It seems \$50,000 sticks in my mind, but it may have been substantially more than that. In relation to the value of the services under consideration and under arbitration, it was not particularly large.

The township council in its wisdom, after considerable debate and by a vote that was not unanimous by any means, decided to take its chances with the Ontario Municipal Board. The city had decided it did not want to accept the arbitration award. The payment that would go from the city to the township was considered too generous.

As I said, the minister intruded a bit, and from his point of view, I suppose, quite generously. But the township said, "We are going to take our chances on the Ontario Municipal Board hearing." As is so often the case, the hearing went against them, in spite of the fact the arbitration had been done impartially and at arm's length by experts essentially from outside the discussion.

Now the minister was in a position to say: "You had your chance. I offered this money on the basis you would not proceed to the OMB." The township had not even applied to the OMB. It was quite prepared to accept the arbitrator's decision. It was the city that had gone to the OMB. It was the city that had decided it would not accept the arbitration commission's decision.

The township found itself on the short end of both sticks. It had accepted the courting of the then Minister of Municipal Affairs to go forward with the agreement in a moderate way without acrimony and without calling in the Toronto lawyers from the Bay Street towers, who make a

custom of driving out to these innocent rural municipalities in their Rolls-Royces with the Brinks truck behind them. We have been able to avoid that.

The councils of the city and the township were on a good, friendly, first-name basis. They had lots of arguments, but it was not the sort of thing that deteriorated into the irreparable personal damage that sometimes occurs when these arguments go on and on. At the behest of the minister, they had set aside about seven items for arbitration. They accepted the arbitration. The city did not accept the arbitration and went to further review by the Ontario Municipal Board.

Now that the township has lost, the minister, to some extent, is even unwilling to assist in the funding as much as he had before. I can see the response to that would be, "You take your chances and if you lose it is like going to the horse races." But in this instance it is not like going to the horse races. Both sides are trying to represent the ratepayers in as fair and equitable a way as possible. They are trying to get the best possible but fair, deal for the municipalities concerned.

I am not right up to date in the last week or two on what the disposition has been. I know one of the minister's senior officials had gone to Brantford and discussed this at length with both sides—not that he can act as an arbitrator, but it was certainly hoped that at least he can restore the sweetener of the original offer from the minister.

I am simply saying that while this action seems to be cut and dried, it can lead to inequity and unfairness. When the bill imposes arbitration, in fact, it is not arbitration; it is just a gentleman's suggestion from a group on all sides.

We will probably find that Vespra will not be satisfied with the arbitration and it will go to the OMB anyway. On the other hand, if Vespra is satisfied, Barrie will say: "That is too rich for our blood. We are certainly not going to pay that kind of money. The bill enables us to have it out." They will be at the OMB and there will be the procession of Rolls-Royces once again.

I am very concerned with section 3. I do not have an easy solution other than to say that it has to work with the goodwill and leadership of the minister, the parliamentary assistant and those people associated with them.

I think my remarks last night irritated the minister a little. I implied that the Minister of Intergovernmental Affairs did it better than he did. If he got that impression from my speech, I cannot help but say that is what I intended to say. I guess the Minister of Intergovernmental Affairs cannot do all these things.



I simply have to call on the good sense of the parliamentary assistant and of the minister, who is not here. They should try to remember their own experiences at the municipal level, which were extensive and largely successful, and try to realize that as advisers to the Lieutenant Governor in Council they have to take a broad and generous view.

When they move into a situation like this, by the words "broad and generous" I mean they are going to have to dig into the provincial Treasury, not to pay all the bills, but to pay enough of the bills so there can be an equitable and mutually acceptable solution. If they try to load too much of the cost on one side or the other, then they are going to lose all the advantage even of this imposed solution, which still allows access to the OMB, and gain all the costs, delay, acrimony, bad feeling and general screwups that can result therefrom.

**Mr. Rotenberg:** Mr. Chairman, I appreciate the point the member for Brant-Oxford-Norfolk has put forward, and I appreciate what he says when he indicates there really are no simple, easy solutions to this.

This bill has been drawn somewhat differently from the Brant-Brantford bill, possibly because of that experience. We have not set up an independent arbitration. Subsection 3(3) says, "The committee shall consist of the treasurer of the city, the treasurer of the township and such other person or persons whom the minister may appoint."

**Mr. Nixon:** The parliamentary assistant called them arbitrators, but they are not arbitrators.

**Mr. Rotenberg:** That is exactly the point I am trying to make. This is not an independent arbitration. It is a committee, composed, as I say, of one from each side, plus one or three independent persons, to try to sort it out. I like the words the member used, "to work with goodwill on all sides, work with goodwill and leadership from the government."

From my point of view, I can say quite frankly, and I can speak from the minister's point of view and our officials' point of view, despite whatever real or imagined acrimony has happened over the past six months or the past number of years, when this bill becomes law, as far as we are concerned, that will all be put behind us. All the politicians and the officials in the ministry will deal as well as we can without acrimony to try to bring as much goodwill as we can to all parties in this negotiation under section 3.

I would point out to the member for Brant-Oxford-Norfolk that there are three financial

adjustment sections, if I might use that term. One is section 3, which deals only with those assets and liabilities now owned by Vespra and which are attributable to the annexed area. There has to be an adjustment because Barrie is taking over certain assets it should pay for and taking over certain liabilities it should offset. In other words, if there was something there that had a debenture against it, it is an offset. That part of it should not be too difficult, but it may be.

The second part of the compensation package comes under section 9, which says in part, "The city shall pay to the township and to the county of Simcoe, as compensation for any loss of assessment," which may be a little more difficult to negotiate. The third, which I think the member for Brant-Oxford-Norfolk called the sweetener, was put in deliberately for that purpose in section 12. "The minister may, by order, under section 12 pay to the township or to the city or to the county of Simcoe" such sums as may be deemed advisable.

In the scenario the member brought forward, if it happened one party was agreeable and another party was to some extent not agreeable and the agreeing party got the short end at the OMB and lost what it had, the minister could say, "Yes, that was really unfair."

The minister has the option to say, with the goodwill that will be in this ministry no matter what has gone on in the past: "Wait a minute. That was a bit unfair and party A, B or C"—because there are three parties to this—"deserves a bit of a sweetener for what it has gone through and because of its goodwill." That option is there for the minister in section 12. I cannot remember whether that was in the Brant-Brantford bill.

**5:10 p.m.**

We are not setting up an independent arbitration; we are setting up an internal arbitration. We hope after this bill becomes law there can be an end to whatever has gone on without pointing fingers, and the beginning of a reasonably happy negotiation, a relationship of goodwill between Barrie and Vespra under this section so they can reach an agreement. If they cannot, it will have to go to the OMB, but there is still the option for the minister to put in a sweetener.

With respect, there is no right way of doing this sort of thing. We tried to draw it in what we considered to be, with our experience, the fairest way possible to all parties to settle this matter.

**Mr. Nixon:** If I may just continue for a moment, I would point out to the parliamentary assistant that essentially the same provisions



were found in the Brantford township/city of Brantford bill. The minister is right about the arbitration because I said it was at arm's length in the Brantford area, which was all the more reason it should have been accepted by both parties without the alternative of going to the OMB. In this instance, it is almost as if, learning from the Brantford experience, we are going to have people at the local scene who are not arbitrators at all but who are facilitators.

My own feeling is that even in the Brantford area, the same provisions prevail. The city had to pay certain amounts for the loss of assessment. Obviously, there was a section that permitted the minister to contribute money because he made an offer and, in fact, did contribute money to ease the tax changes over a period of five to seven years, or whatever it was; I do not recall.

My warning from the Brantford experience is that the minister, I believe, was selling it a bit short. I think he was prepared to allow too much pressure to come on the local participants. I would simply say the luxury of this sort of legislation is going to cost the government some money. While the government does not want to pay more than is proper, I would certainly assure members that whoever is doing the negotiations with both sides might as well face it. If Vespra is satisfied, Barrie is going to think it is paying too much and maybe quite a bit too much. If the city is satisfied, then Vespra is going to feel it has been robbed of certain of its facilities without proper payment.

To send it to the OMB might put off that final solution for another year or 18 months. With all the ancillary additional costs, in the long run some really tough head-to-head, hard bargaining sitting around somebody's kitchen table is what the government is going to have to do, and I simply advise it to take its cheque book.

**Mr. Rotenberg:** I appreciate the member's remarks. I have to indicate there is no really right answer or right way to do this. But I would point out that this was part of the bill which was before the committee and was discussed before committee. None of the three sides—because the county is somewhat involved—to my recollection really put forward any other possible way this should be done. To my recollection, there was an objection to the overall philosophy of the bill, but there was no objection to this way of having the bill put forward. If somebody had had a better idea, we would have listened to it, but we did not find a better idea.

I would agree with the member that any way one goes through an arbitration, this kind of thing

is fraught with some danger. We are aware of it and we hope we have found, not the ideal solution—there is not one—but the better way to do it.

**The Deputy Chairman:** Are members ready now for section 3?

All those in favour say "aye."

All those opposed say "nay."

In my opinion the ayes have it.

Section 3 agreed to.

On section 4:

**Mr. Epp:** Mr. Chairman, it says here, "The city shall not apply for the annexation of any further lands in the township of Vespra before the first day of January, 2012, unless the township agrees to such annexation."

What is to guarantee the township any protection in the future? The government, by its majority, has inflicted some evils on the township now, contrary to what it wanted and contrary to legislation. The government came in here and brought forth legislation to take away 2,000 acres. This kind of commitment here by Ontario is probably as good as the paper it is written on and no better, because the province at any particular time can come in here and bring in new legislation to change it.

I am sure the parliamentary assistant can confirm that the province can do it and might do it at any time. The Premier promised this province 13 years ago it would be almost over his dead body that he would give any support to separate schools. Members know that only one week ago he did a flip-flop. One could hear the shudders across the province as a number of people turned over in their graves when the Premier made that announcement in the Legislature.

When the commitment is made in this bill that nothing will be annexed without the consent of the township of Vespra, we can only rely on that promise to the same extent that other people have relied on the promise of the Premier and the government.

I would ask the parliamentary assistant what further commitment he can make to the people of Vespra with respect to annexation. Second, why the magic figure of 2012 as opposed to 2011 or 2032 1/2? What was so magic about 2012?

**Mr. Rotenberg:** Mr. Chairman, I am not quite sure I understand the first part of the question about what other commitment will be made to the people of Vespra. To the best of my knowledge, as far as future annexation is concerned, there is no other commitment except the commitment in this bill that there will be no



annexations by Barrie from Vespra until the year 2012 without Vespra's consent. That is a very simple commitment.

Why the year 2012? When the Barrie-Innisfil line, which is on the other side of Barrie, was negotiated, this was the clause they wanted. The year 2012, which I believe was 30 years from the time that went through in 1982, was placed in that bill by mutual consent between Barrie and Innisfil. It could have been 2011 or 2013. We picked the number 2012 to keep it the same as Barrie-Innisfil so that the legislation affecting Barrie and possible future annexations would be the same on Barrie's northern and southern borders. We picked 2012 to be consistent with the Barrie-Innisfil agreement.

**Mr. Epp:** I am not arguing about the date, but to try to group this together with the Innisfil situation seems somewhat ludicrous because there are no parallels. This is a bill in which the government is taking away 2,000 acres. We did not need any bill for Innisfil. Second, the government is bringing in the guillotine in order to pass the legislation, which is charting a new course. It is a new example of how they are creating a small municipality. Innisfil negotiated its agreement. To try to group this together with Innisfil and try to imply, at worst, that this is a parallel situation is something I do not understand.

**Mr. Wiseman:** What date would you like?

**Mr. Epp:** I am not suggesting a date, but why say it is a similar situation and that is the reason it was picked? Why did the government not pick 2014? That would have been more logical than 2012.

**The Deputy Chairman:** Shall section 4 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 4 agreed to.

**The Deputy Chairman:** Shall section 5 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 5 agreed to.

**The Deputy Chairman:** Shall section 6 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 6 agreed to.

**Mr. Epp:** Mr. Chairman, I think you are very partial. The least you could do is give us the benefit of the doubt some time because they are pretty quiet over there.

**The Deputy Chairman:** I did three years ago.

**Mr. Epp:** Is that when you lost your hair?

**The Deputy Chairman:** It sure is.

Shall section 7 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 7 agreed to.

**The Deputy Chairman:** Shall section 8 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 8 agreed to.

Sections 9 to 13, inclusive, agreed to.

**The Deputy Chairman:** Shall sections 14, 15, 16 and 17 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Sections 14 to 17, inclusive, agreed to.

**The Deputy Chairman:** Shall the schedule carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Schedule agreed to.

**The Deputy Chairman:** Shall the bill be reported?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Bill ordered to be reported.

On motion by Hon. Mr. Norton, the committee of the whole House reported one bill without amendment.

**The Deputy Speaker:** Is there to be a debate?

**Mr. Nixon:** Yes.

**The Deputy Speaker:** The debate will then be at eight o'clock.

The House recessed at 5:21 p.m.

## CONTENTS

**Tuesday, June 26, 1984**

### Oral questions

Andrewes, Hon. P. W., Minister of Energy:	
<b>Consolidated hearings process, Mr. Peterson</b> . . . . .	287
Brandt, Hon. A. S., Minister of the Environment:	
<b>Consolidated hearings process, Mr. Charlton, Mr. Peterson</b> . . . . .	287
Dean, Hon. G. H., Provincial Secretary for Social Development:	
<b>Food distribution, Mr. McGuigan</b> . . . . .	287
Grossman, Hon. L. S., Treasurer and Minister of Economics:	
<b>Interest rates, Mr. Swart</b> . . . . .	287
McMurtry, Hon. R. R., Attorney General:	
<b>Family law reform, Ms. Bryden, Ms. Copps</b> . . . . .	287
Norton, Hon. K. C., Minister of Health:	
<b>Hospital beds, Mr. Peterson, Mr. O'Neil</b> . . . . .	287
<b>Waiting placement fee, Mr. McClellan, Ms. Copps</b> . . . . .	287
Wells, Hon. T. L., Minister of Intergovernmental Affairs:	
<b>French language rights, Mr. Peterson, Mr. Cassidy</b> . . . . .	287
<b>Members' expenditures, Mr. Riddell, Mr. Breaugh</b> . . . . .	287

### Petition

<b>Injured workers, Mr. Di Santo, tabled</b> . . . . .	287
--	-----

### Motions

<b>Committee business, Mr. Wells, agreed to</b> . . . . .	287
---	-----

### First readings

<b>Employment Standards Amendment Act, Bill 115, Mr. Martel, agreed to</b> . . . . .	287
<b>Insured Health Services Act, Bill 116, Mr. Martel, agreed to</b> . . . . .	287
<b>Inco Limited Acquisition Act, Bill 117, Mr. Martel, agreed to</b> . . . . .	287
<b>Legislative Assembly Amendment Act, Bill 118, Mr. Ruston, agreed to</b> . . . . .	287

### Committee of the whole House

<b>Barrie-Vespra Annexation Act, Bill 142, Mr. Bennett, Mr. Breaugh, Mr. Rotenberg, Mr. Epp, Mr. Haggerty, Mr. Nixon, reported</b> . . . . .	287
--	-----

### Other business

<b>International Ploughing Match, Mr. McKessock, Mr. J. M. Johnson, Mr. Swart</b> . . . . .	287
<b>French language rights, Mr. Cassidy</b> . . . . .	287
<b>Tabling of information, Mr. Allen, Mr. Speaker</b> . . . . .	287
<b>Correction of record, Mr. Charlton</b> . . . . .	287
<b>Constituency assistant, Ms. Copps</b> . . . . .	287
<b>Recess</b> . . . . .	287



## SPEAKERS IN THIS ISSUE

llen, R. (Hamilton West NDP)  
 ndrewes, Hon. P. W., Minister of Energy (Lincoln PC)  
 radley, J. J. (St. Catharines L)  
 randt, Hon. A. S., Minister of the Environment (Sarnia PC)  
 reagh, M. J. (Oshawa NDP)  
 ryden, M. H. (Beaches-Woodbine NDP)  
 assidy, M. (Ottawa Centre NDP)  
 harlton, B. A. (Hamilton Mountain NDP)  
 opps, S. M. (Hamilton Centre L)  
 ousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
 ean, Hon. G. H., Provincial Secretary for Social Development (Wentworth PC)  
 i Santo, O. (Downsview NDP)  
 lston, M. J. (Huron-Bruce L)  
 pp, H. A. (Waterloo North L)  
 rossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
 aggerty, R. (Erie L)  
 ohnson, J. M. (Wellington-Dufferin-Peel PC)  
 ones, T., Deputy Speaker and Chairman (Mississauga North PC)  
 Mackenzie, R. W. (Hamilton East NDP)  
 artel, E. W. (Sudbury East NDP)  
 McClellan, R. A. (Bellwoods NDP)  
 McGuigan, J. F. (Kent-Elgin L)  
 McKessock, R. (Grey L)  
 McMurtry, Hon. R. R., Attorney General (Eglinton PC)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 orton, Hon. K. C., Minister of Health (Kingston and the Islands PC)  
 'Neil, H. P. (Quinte L)  
 erson, D. R. (London Centre L)  
 eed, J. A. (Halton-Burlington L)  
 enwick, J. A. (Riverdale NDP)  
 iddell, J. K. (Huron-Middlesex L)  
 otenberg, D. (Wilson Heights PC)  
 uston, R. F. (Essex North L)  
 wart, M. L. (Welland-Thorold NDP)  
 releaven, R. L., Acting Chairman (Oxford PC)  
 urner, Hon. J. M., Speaker (Peterborough PC)  
 alker, Hon. G. W., Provincial Secretary for Justice (London South PC)  
 Vells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)







No. 83

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Fourth Session, 32nd Parliament**

Tuesday, June 26, 1984

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

**Tuesday, June 26, 1984**

The House resumed at 8 p.m.

## REPORT, COMMITTEE OF THE WHOLE HOUSE

Consideration of the report of the committee of the whole House on Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

**Mr. Breagh:** Mr. Speaker, on a point of order: We are here under closure notice on a very important debate and I am not sure I see a quorum here.

Mr. Speaker ordered the bells to be rung.

8:07 p.m.

**Mr. Speaker:** We have a quorum. The report was presented. I am told the member for Brant-Oxford-Norfolk (Mr. Nixon) had the floor when we left for dinner.

**Mr. Nixon:** I am prepared to yield to my colleague the member for Waterloo North (Mr. Epp).

**Mr. Epp:** Mr. Speaker, I am pleased to be able to add a few more comments to this fairly lengthy debate on a very important municipal bill. I am sure all of us regret that it has been put forth. Nevertheless the government, in its ill-advised wisdom, has stood fast on it and at some time in the future it will have to bear the consequences of what the public thinks about this piece of legislation.

It is quite obvious that the amount of animosity that has been generated in the two areas is not all due to the government, but because Barrie wants to have a certain amount of land annexed from Vespra. The acrimony generated within the last year or so, however, is wholly the responsibility of the government. When we look back at what has gone before in the last 20 years or so, as was acknowledged by the minister yesterday in itemizing the number of negotiations that have been attempted, we have to look very closely at two basic factors.

First, when there was a justification for annexation of land by Barrie during the 1950s and early 1960s, Vespra, in its wisdom and its interests, and as far as the interests of Barrie were concerned, was prepared to acknowledge some of this annexation. The township came to an amiable agreement with Barrie to give up some

of its land. This has to be kept in mind as the background. Vespra did give up land to the city of Barrie on two occasions because Barrie was able to present a good case on its behalf.

In the 1970s, when Barrie started to want to have more land for various reasons, the city did not come up with sufficiently good reasons, and Vespra opposed the annexation of further land. On one occasion, after the Ontario Municipal Board had allocated 320 acres to Barrie, Vespra was prepared to negotiate further on this matter, but Barrie did not show good faith in coming to the meeting table to discuss the annexation.

We find good faith was not shown by the city of Barrie in that instance. As a result, Vespra held up its hand and said: "Why do we have to negotiate any further? These people are not negotiating in good faith."

The provincial government came to the rescue of Barrie and said: "We are going to give you what you want. In fact, we will give you 4,500 acres. Then we will get the committee to trim it down a little." It was not with the concurrence of any of the opposition parties that Barrie is getting even 2,000 acres, because we were opposed to any acres going to Barrie without the consent of Vespra township.

The provincial government asked for the astronomical amount of 4,500 acres. It knew full well that Barrie would want less than that, but then the government would look good in the eyes of the people by saying, "We will give you even less than half of what we originally intended to give you." Thereby the province ended up giving 2,000 acres to the city of Barrie.

An interesting part of the debate yesterday on the motion to proceed through the closure guillotine was that the minister, in taking up about 20 minutes of the time of this House in itemizing the various times that the groups had met, did not give one reason the land should be annexed.

Can the members imagine a minister of the crown getting up on a very important bill, such as we had before us with Bill 142, and not once being able to give a single, solitary, good reason that land should be annexed? It is the first time in history that the government of this province, or the government of any province I know of in this

country, has brought forth a bill with a guillotine motion to take land from one municipality to give to another. It is supposed to represent fairly all the municipalities of this province.

It is 90 per cent of that municipality's commercial-industrial assessment that is to be annexed. That is 40 to 45 per cent of its total assessment, yet not a single, solitary reason was given for that annexation. That is a terrible condemnation as far as the government is concerned. I do not blame it for not giving any reasons, because it did not have a single, solitary, good reason to annex the land.

If it had, Vespra, in all its reasonableness, its gentlemanliness and its ableness, would have been able to sit down and negotiate with Barrie and the surrounding area with respect to this annexation, but no good reasons were given by Barrie or the provincial government. That is why this case has faltered in the Legislature and before the people of that area.

The government has tried to put the case before the Legislature that it has tried to be sincere in negotiating with Vespra with respect to taking away this very important asset of 2,000 acres. The government was very insincere in negotiating, and the best example of that was that after it brought the bill forward, and after it had gone through the committee, it appointed the Solicitor General (Mr. G. W. Taylor).

It does not matter to me whether the Solicitor General has a lot of strengths and weaknesses with respect to his position as Solicitor General or whether he is the member for that area. That is unimportant as far as the issue is concerned. The fact is that the Solicitor General had clearly come down on the side of Barrie.

There was no doubt about it in the minds of the approximately 40 people at that meeting. There was no doubt in the minds of the people from Barrie, no doubt in the minds of the people from Vespra township and no doubt in the minds of the people from Simcoe county. From the warden right down to every other person who works on that council, there was no doubt where the Solicitor General stood.

If the government had been at all sincere about wanting to come to some accommodation between the people of Vespra and the people of Barrie or their representatives, surely it would not have appointed somebody to chair a meeting who had clearly shown his bias all along. I am not arguing with the fact that the Solicitor General as a local member or as any member of this Legislature has the right to do exactly that. I am saying that, if one is trying to be discreet and

wants to accomplish something in negotiations, one does not appoint someone who has visibly and audibly shown exactly where he stands on the issue and who is not going to give a fair hearing to the people of Vespra, no matter what he says. Even if he were to try to do that—and I hope he would—it would not have been perceived that way by anyone.

In all the kinds of negotiations attempted, one can see clearly that the provincial government, in all its talking in the Legislature and all the press releases it has put out and so forth, did not try to play fairly with Vespra township on this issue. I am sure if some other municipality were involved, such as the city of Ottawa, it would not want the local member to chair a committee if he had clearly shown he was biased.

The other important thing here is that, in looking at this issue—and it has fermented over a period of years—the government says \$1 million was expended in legal and planning consultative fees. It spent more than \$1 million on the Robarts report of the Royal Commission on Metropolitan Toronto. More than \$1 million was spent on the study of Ontario Royal Commission on Violence in the Communications Industry a few years ago, a commission chaired by the late Honourable Judy LaMarsh. More than \$1 million has been spent on a number of other studies. Virtually nothing has been implemented from any of those studies. The reports are now gathering dust on the shelves.

The government does not particularly concern itself with the millions of dollars it spent on commissions when nothing happens. We can look more recently at the commission the former Judge Thom now chairs. This has gone on for over a year now. We spent more than \$2 million and nothing much is happening. It is going to drag on another two or three years. The problems are real now and they should be dealt with now, yet the government does not come to the Legislature and say, "We have to do this because we spent \$1 million; we have to try to get our money's worth out of it."

The government never worried about spending \$46 million on Minaki Lodge. It never worried about wasting millions of dollars on advertising. Yet here is a situation where a particular small municipality is going to be raped of 2,000 acres of land and the government is concerned about \$1 million.

I do not want to give the impression I am not concerned about \$1 million that has been spent for legal fees and so forth. The fact is, the government has its priorities all mixed up. It is



not concerned about the \$1 million; it is really concerned about trying to wreak havoc in one township and leave it as a small entity. I am not sure it will survive as a viable township after all that very important assessment is taken away.

I can see Mr. Speaker is very embarrassed for the government on this thing. I know he is not a member of the government, but nevertheless, it has wreaked havoc with this small municipality. I am not sure it will be able to survive economically the taking away of 2,000 acres.

When one looks at the numbers, 104 municipalities have gone out of their way and passed resolutions in support of Vespra. Mr. Speaker, you have had some municipal experience, as a lot of us have. I am glad to see it. We know that when a resolution comes before council the easiest thing to do is to file it. It is so easy not to take a stand on it one way or another.

A resolution comes in from some municipality that asks for whatever it is asking for, it is filed and the clerk then sends a letter away officially notifying the municipality that sent out the resolution or motion that it has been filed. That is it and nothing further is said about it. But here is this resolution, a bill that has come before this Legislature. Here is an important piece of legislation.

**8:20 p.m.**

All these municipalities depend on the provincial government for unconditional grants. It is not beneath the Minister of Municipal Affairs and Housing (Mr. Bennett) to shake his finger at these municipalities and say: "You opposed the provincial government on a piece of legislation. Just wait until next year when we are prepared to give out our grants. We are going to have a new formula for you as we did this year."

Despite the threatening comments the government can make from time to time, 104 municipalities felt strongly enough to oppose this bill. In addition to these 104 municipalities, two counties, Lambton and Simcoe—it has been read into the file—have passed resolutions opposing the guillotine motion. So we have a very ill-advised bill here, one the government unfortunately would not back down on, but one that has somehow caught its imagination and one that is going to go through despite the opposition.

If the people of Ontario had a chance to vote on this bill independently, I think they would vote against it. In fact, if there was a free vote in this Legislature, I am sure—if the party whip would not exert any discipline on them later on—a majority of the members here would vote against this piece of legislation.

I would like to touch on another subject: compensation. When one wants to negotiate something and get both sides to the bargaining table, the stronger side should take the initiative rather than expect the weaker side to do it. In this case we have the provincial government on one side with a budget of \$25 billion and a large deficit, and on the other side there is small Vespra township with a budget of a few million dollars. It is a kind of David-and-Goliath concept.

We have Goliath here, the provincial government, saying to David, "You have to accept this legislation." All Vespra township has said, over and over again, is: "Give us a package. Tell us what you are prepared to give us. We are reasonable people. We will sit down with you, but do not expect us to go to the bargaining table prepared to negotiate when you have not given us a red cent." Not a single member in this Legislature has ever seen the government put anything on the bargaining table; not one red cent.

They are all honourable members. That is what the record says and I am sure they are all honourable members. Small Vespra township is saying: "Please put something on the bargaining table. We are not going to sell our soul just so you people can get exactly your way. We want a few dollars. We are giving up our livelihood in a sense, 2,000 acres." That is most of their industrial and commercial assessment, 40 to 45 per cent of their total assessment. They are asking the government to put a cent, put \$1 million, put \$2 million on the bargaining table. We have been after the government to do that.

It is not finished yet, but I hope that before today is over or before tomorrow is over or before the debate on this thing has been completed, the government will come to its senses and put something on the bargaining table. Then it can expect Vespra to negotiate. But until the government puts something on the table they will not, and they should not, negotiate. They should not negotiate until the government is prepared to do something for them.

All we have is the statement by the Minister of Municipal Affairs and Housing, however he is advised, saying: "Fellows, trust us. We are trustworthy people. Just sit down at the bargaining table and we will give you something you will be happy with and you can go back and win the battle at home. The people will have pride in the way you have acted and we can go home to our cottages or go in our jets to baseball games or wherever we want to go."



But the government has not put one cent on the bargaining table, and I will challenge the Minister of Municipal Affairs and Housing to stand up in his place today and tell this Legislature, all 125 members minus the ones who are not here tonight, what he is going to put on the bargaining table, where exactly he is going to start. I challenge him to do that.

I do not think he is sincere enough to want to do it. Anyone who would appoint someone as biased as the Solicitor General to chair a meeting to try to mediate between the two sides would not find it in his good graces to put something on the bargaining table such that somebody else would want to negotiate.

I hate to say this, but I do not think the Minister of Municipal Affairs and Housing has been very open with the Legislature or with Vespra township with respect to this whole issue. If he had been, he would have tried to convene a meeting himself or with someone in a very neutral position and put something on the bargaining table so Vespra could at least say yes or no to it. But it has nothing to say yes or no to, because nothing has been put on the bargaining table.

I regret very much that this bill has been put forward. We have opposed it at every stage, and this is the only party that can say it has opposed this bill on every single clause in committee. We have opposed it in principle, so how could we support the various clauses? We have opposed every single clause in the Legislature.

This is a dark day for this Legislature; it is a dark day for Vespra, and I hope that before today or tomorrow is over the Minister of Municipal Affairs and Housing will at least be able to put something on the bargaining table for Vespra township.

The other municipalities across the province, particularly the smaller ones, are keeping a close eye on how Vespra is treated. If Vespra is not going to be treated fairly, they will know exactly what will happen to them if they oppose any piece of legislation or any particular wish that the Minister of Municipal Affairs and Housing may have.

**Mr. Speaker:** Does any other honourable member wish to participate?

**Mr. Breagh:** I thought you would never ask. Mr. Speaker, I have a few notes.

**Mr. Cousens:** I am running downstairs to cry.

**Mr. Breagh:** It is not necessary to leave the chamber to cry; you can cry in here.

**Mr. Sheppard:** Notes or garbage?

**Mr. Breagh:** "Notes or garbage," sayeth the honourable member. They are resolutions from 104 rural municipalities. Do you consider them notes or garbage? Give me a hint.

**Mr. Sheppard:** Whatever you think is fair.

**Mr. Breagh:** I think they are appropriate notes.

**Mr. Speaker:** I might remind the honourable member that the debate is on the adoption of the report.

**Mr. Breagh:** I am being harassed.

**Mr. Speaker:** I heard that.

**Mr. Breagh:** Including by the Deputy Chairman.

I wanted to make a few brief remarks on the matter of whether the committee report should be adopted. I think it is important that we pause for a moment as we go through this process to point out that there has been a reasonable amount of debate on the bill. Certainly the areas in question have, by and large, in a number of ways been seen out rather nicely and carefully.

It is not unfair to say that at this time many of us who have followed this bill through its previous history, which was about a decade, and through this Legislature, which certainly took somewhat less than that, have two or three key areas in which we think some more work needs to be done, and that this bill should not be reported from committee but rather should be simply set over until the fall session.

**8:30 p.m.**

I do not think there is any question in anyone's mind now. However much of the history of the bill one might reach back to, as the Minister of Municipal Affairs and Housing did last night, to bring out all the old arguments and talk about the Ontario Municipal Board and the lawyers' fees and letters from the Premier (Mr. Davis) to Vespra and Vespra to the Premier and on and on and on, frankly I do not think it serves a great deal of purpose to go back into that. That is not really what we are dealing with; we are dealing with Bill 142 as it comes out of a committee of the Legislature.

What remains the critical missing factor is that nowhere in all of this has the government of Ontario, in my view, made a serious attempt to fill in the financial components. I believe it is necessary for the government to take the initiative and put in place those components.

I would have, for example, a very different perspective on this piece of legislation if the government were to say: "We will put a package on the table. We will make it public knowledge



We will say, for example, that Vespra township is essentially the municipality which is aggrieved in this process." I would think even the government members would admit to that much, that the land is coming out of Vespra township, that it is virtually gutting the assessment base of a rural Ontario township. The people in Vespra are essentially aggrieved in this process.

One could mount a reasonable argument that the city of Barrie is essentially getting what it has wanted for some time. In committee, we went through precisely why a city such as Barrie would want a chunk of essentially rural land. There are some reasonable grounds for saying that Barrie at least has a bit of a planning case. From a planning perspective, the minister has put 79 ministerial orders on different parts of the province, essentially for planning reasons.

He felt that in many of our rural municipalities there was an absence of an official plan. There were no zoning bylaws. There were no policy statements. There were no rules to the game. The minister, like many others who have been observers of planning in Ontario for some time now, will know this causes some difficulties.

This means, for example, that a development company such as the one in question here, Cadillac Fairview—what does the page have for me tonight? You will excuse me, Mr. Speaker, but I have found it a wise practice lately to smell the water in this Legislature.

**Mr. Sheppard:** We thought the member would be dry.

**Mr. Breagh:** This is the best my friend had to offer, is it? Great hospitality from Northumberland-Durham.

**Mr. Sheppard:** No, no; just Northumberland, not Durham.

**Mr. Breagh:** Northumberland; sorry, my apologies. Yes, I remember that.

At any rate, Mr. Speaker, one of the prime considerations for many of us from a planning point of view was that in those areas of Ontario where there were no official plans and no zoning bylaws, it meant the municipality was particularly vulnerable. Development firms, most of them from Toronto, such as Cadillac Fairview, could go to a rural area of the province, put some options on property, come in and just kind of dazzle the local folks with a proposal for development which was seen to be good from all points of view in many parts of Ontario.

Interjections.

**Mr. Breagh:** I am caught in a crossfire between Sudbury and Toronto.

**Mr. Speaker:** Please do not disturb the speaker.

**Mr. Breagh:** Thank you.

From many points of view, a development proposal in a small municipality is almost seen to have no faults at all. It brings jobs to the area. That, of course, is in the forefront of the argument about it. It brings some new development in terms of shopping facilities, it brings office facilities, all of those things are kind of rolled into the ball. A few years ago it would not have been unusual to see a development proposal go through unopposed in local council in many areas in Ontario.

**Mr. Martel:** Hey, George; did you notice all the Toronto members?

**Mr. Breagh:** Would you call the member for Sudbury East (Mr. Martel) to order, Mr. Speaker?

**Mr. Speaker:** I should think so.

**Mr. Martel:** I was just drawing attention to the fact, Mr. Speaker, that as usual there are very few members from Metropolitan Toronto or within 50 miles, and we have to sit at night.

**Mr. Speaker:** It was your colleague's idea. The member for Oshawa has the floor.

**Mr. Breagh:** I see you are having your usual success with the member for Sudbury East, Mr. Speaker.

Mr. Speaker, it poses a number of problems when there is not an official plan in place and this development proposal is brought in. It does kind of dazzle people who have not seen proposals of that magnitude before.

When I first went to the planning and development committee of the region of Durham, I had been accustomed to seeing proposals for a subdivision in the city of Oshawa of 60 and 70 units, on occasion more than 100 units, and things of that nature. When I went to the regional level, we had developers making proposals to provide water and sewer systems for an entire town. It seemed they would be prepared to build arenas, shopping centres and just about anything anyone could ever name, to get their development proposal under way.

I have shared that much of the experience. I understand what it is like to see a major development proposal brought in and I understand the reason for the ministerial order. Having said that, though, I think most of us who have dealt with municipalities where there are ministerial orders in operation will also understand that is not exactly the ideal way to proceed.



A ministerial order tends to freeze an area and it means local planning ceases as well. In this instance, where a ministerial order was rescinded, it really means there was no local planning decision about that matter. That decision was made within the minister's office and that notice, unlike any other planning process one might care to name, is one that does not have a public meeting at which citizens in the affected area can actually come and make representations.

That means the local council does not get to strike a committee to consider a matter, hold public meetings, make the recommendations known and circulate them through various departments of public works, planning and finance. It means all that is circumvented by the very simple fact that the Minister of Municipal Affairs and Housing retains the authority, when he has a ministerial order, simply to rescind that portion of the order affecting a particular development, which is precisely what happened here.

In my book, that is not good planning. I do not think even the minister would agree that is the correct way to proceed. What the minister has said, as I understand him over the years, is that in the absence of official plans and things of that nature, there has to be some control. If I remember his remarks correctly on the Cadillac Fairview shopping centre just north of Barrie in Vespra township, he said, "The approvals for that one went through before the ministerial orders were available to be put in place."

There has been a sequence of what might be called omissions. In a strange way, the bill currently in front of us runs around the whole system of planning in Ontario. It diverts what most of us consider to be the main criteria. For example, on this particular lifting of a ministerial order there is no occasion for the public to appear, which would appear to me to be a simple criterion and one that ought to be observed.

There is not really an approval process by either of the local councils. One can go back into the history of this matter and say, "One council approved it and the Barrie council objected to it." Then, in a rather mysterious way, the Barrie council removed its objections to it. That allowed the minister to proceed by issuing one single piece of paper to allow for the development to expand the Cadillac Fairview mall. There was a long history involved in this and we all know it.

I would like to try to get the members on all sides of the Legislature to consider this evening, particularly at this stage of the bill, which I think is an appropriate point to pause, whether they

agree it is essential that the ministry put forward a position now that addresses itself to the matter of liabilities and assets. The ministry should put forward a discussion paper. In almost any other area one can name, it is not reluctant to do that. The ministry puts forward discussion papers, green papers and white papers, holds forums and spends a lot of time and effort putting forward things that ought to be talked about.

**8:40 p.m.**

One thing lacking in this bill is a portion that might be called financial liability. To my knowledge, the ministry has not made public its position, for example, on what ought to be offered in the way of compensation to Vespra township. As far as I know, the ministry has not in a formal and public way put forward a position that might outline what it sees as being the responsibilities of the city of Barrie in this matter.

As far as I am aware, the ministry has not put forward a position which outlines what role will be played by the county of Simcoe in all of this. Of course, we are aware that the province and those three other levels of government do have some responsibility and some interest in this matter. Some of them without question will have, at some time, some financial liability.

The plea I want to make to the minister this evening is a pretty simple one. Before we proceed with the other stages of this bill and before the House itself considers the report of the committee, it is essential that the minister's position ought to be on the table in regard to all of these players.

It is important that the minister—and I hope he will participate in this debate, because he is presenting this evening and that is a bit of an achievement in itself—lay out the government's official position with respect to financial responsibility for each of the participants who are there and for the government of Ontario itself.

Let me elaborate just slightly on what I would say would be a reasonable way to proceed. Without question, the government of Ontario has a measure of financial liability in this matter, which I would say is paramount. It is, after all, not the city of Barrie that is here this evening proposing legislation for us to approve or modify or reject. The legislation before us this evening is at the initiative of the government of Ontario; so in my humble opinion the prime liability for any compensation that might be ordered after this point is that of the government of Ontario.

There may be those who disagree with this point of view, and I would be interested to



hearing what the minister has to say on the matter. But I think without question that it is clear—whether the law firm of Goodman and Goodman caused this to happen, whether the Barrie council caused this to happen or whether the minister was just suddenly seized with a vision and decided to proceed—the one person who has shown initiative in attempting to put forward the legislation is the minister himself. I have never heard in committee, and I have never heard during the course of the public hearings, the minister or his unable parliamentary assistant express what they felt was a legitimate amount of liability on the part of the province.

We did get a bit of a glimpse at what this means to Vespra township with respect to the loss of assessment and we did get a bit of a ball-park idea that there will be a dramatic effect. If one wanted to talk in terms of percentage, roughly half of their assessment is gone with this; almost their total commercial and industrial assessment is gone with this. This may translate into something like \$100,000 to \$200,000 a year in revenue. That, of course, would fluctuate depending on what happened to the mill rate and depending on what happened to grants from the provincial government.

At any rate, I think what we can say with some safety is that there is a significant impact on the economy of Vespra township. There is certainly a dramatic impact on the economy in terms of that local council's ability to generate funds. There will be a dramatic shift from a municipality that ran relatively debt free. It did not run deficits and it did not run up major expenditures. It was one of those things that in most parts of Ontario would be seen as kind of a tight ship. The expenditures were well in hand. There was no grandiose plan in place for expanding services.

In all of the committee hearings we had, we listened with great care to people from Vespra township address the committee and say they liked the level of service they got and there was no need to upgrade the level of service, say, to urban standards such as might be found perhaps in the city of Barrie. So it seemed the council had struck a nice balance between its ability to generate income and the constituency's need for services. That balance appears to be in harmony just now.

We believe that balance will shift rather dramatically with the imposition of this bill; and it will shift primarily because the government of Ontario, in its wisdom, decided to introduce this bill and has now decided to move closure to get

this bill through and is slowly but surely moving the bill through the legislative process.

That being the case, I would say the prime responsibility for the payment of moneys to Vespra township for damages lies with the province. I would go a step or two further. I would say it is the province that claims to be responsible for the structure of municipal government in Ontario. It is the province that has been at times a participant, but for the most part an observer, in this long 10-year battle the minister says is worth \$1 million. If such is the case, then it seems to me the province's first order of business and first level of responsibility is financial compensation.

In my view, the province ought to be picking up the associated costs for the lengthy dispute that has gone on, a major portion or all of it. If nothing else, it would be a tremendous public relations gesture on the part of the province to say: "We would like the past to be forgotten. We would like to start with a clean slate. We would like to have all this ill-feeling dissipated."

It seems to me this government, on other occasions in other ways, has shown no hesitation at all in spending large amounts of money for what I would call questionable purposes. This year we are celebrating an event that did not happen, a bicentennial that will not happen for another seven years. Going into the process, we will spend somewhere in the neighbourhood of \$10 million, and coming out of the process I believe they admit to somewhere in the neighbourhood of \$20 million. That probably means they will have spent somewhere in the area of \$40 million. That has been the pattern of expenditure for most projects in Ontario.

I believe the first order of business for the province should be to put an admission on the bargaining table. Whether they were guilty or not, they were certainly aware there were processes going on that were not quite as productive as they might have been. The first thing for the province to do is to clear the decks. I believe the first order of business on the part of the province should be to put compensation on the table.

The second order, without question, is that the province has done something in initiating this legislation that will have in the long term an economic impact on Vespra township. It will also have an impact on the county of Simcoe and may have a bit of an impact as well on the city of Barrie. I believe the province has to acknowledge that. I believe it has to offer compensation up front, probably in terms of unconditional grants.



I am suggesting that because it is the traditional way the province puts its—I was going to say bribe money, but I am sure the government would be offended by that—it's upfront money. There will be no questions asked. The minister will put together a little package of things to justify it later and he will say, "Here is X amount of dollars for your municipality for whatever reason."

We see this happening whenever regional municipalities say they cannot afford the cost of policing. The province has devised a magnificent technique over the years for totally ignoring that argument. All of a sudden, if the screams get too loud, if the representations to the government get too strong, the minister will arrive and announce: "Here is a new police headquarters. We will pay the cost of funding it." In other municipalities where transportation might be a problem, one of the other ministers, perhaps the Minister of Transportation and Communications (Mr. Snow), will arrive in town, cheque in hand, and announce some great new project.

The response does not show a direct link from one established problem, as identified by the local municipality, to an admission on the part of the province that it is in some way responsible for that, but there is a response. The municipality may be crying that it does not have enough oranges and the province arrives with a pail full of apples, but one does not have to be too sophisticated to sort out that the province has responded in some way. They are not likely to admit guilt, they are not likely to admit fault, they are not likely to admit they are responsible for all this; but they will come with a cheque in hand and in that way will respond.

**8:50 p.m.**

That is the second order of business I would put on the government's plate. The government of Ontario ought to take the initiative now to talk about financial liability, to talk about compensation and to put on the table, so to speak, a financial offer that is the beginning of the negotiating process. I believe we talked about—at least the minister did—around \$1 million in legal fees. I think that is fair game. I would be happy to use that number and say: "That is one part of the package. The second part of the package is unconditional grants."

It is difficult to estimate exactly what money should be talked about. I know the only amount stipulated in all the debate so far was that the township of Vespra said during the committee stage it thought a compensation package around the \$10-million mark would be fair. I did not see

the parliamentary assistant jump up and down and say, "That is a good number." Oddly enough, I did not see him respond at all.

I think \$10 million is probably a little high, but there is an argument to say that somewhere in the neighbourhood of \$5 million to \$6 million as a package would be an appropriate amount of compensation that ought to be put on the table. It would be an interesting starting point. I said in a casual conversation to the Minister of Inter-governmental Affairs (Mr. Wells), the government House leader, yesterday that it would be an important recognition if the government of Ontario would say: "There is \$1 million on the table. It covers the cost of everybody's litigation for the last 10 years. We are going to use that money to wipe the slate clean."

Second, the government could put on the table an amount in unconditional grants it felt was a reasonable dollar value. That is a little difficult to pinpoint because the government does not want to establish that straight-ahead relationship, but it wants to establish something. I think something in the order of another \$1 million or \$2 million in unconditional grants would be appropriate. I think we are building for that kind of package which has to be negotiated.

There are actually two parts to the financial component. One may be that the county of Simcoe has some claim that it deserves some compensation as well. It will be damaged somewhat in an indirect way. I must admit I have not had representations from Simcoe county claiming compensation, so I will set that aside. I just want to put in the mix that I believe the county of Simcoe could make a claim for compensation of some sort. I do not know whether it is fair to say some negotiations have taken place, but I know the county has initiated some discussions about the financial component. I do not want to stick that in the middle of this bill, but I want the members to be aware of it.

The final component is what does Barrie gain, so to speak, that Vespra loses? I think we have to address ourselves to the obvious, which is the dramatic loss of assessment on the part of Vespra township that immediately shifts to Barrie.

It seems to me that for a time the easy way to go on this would be to try, perhaps initially for negotiation purposes, to ball-park how much additional money the city of Barrie will pick up for X number of years. We would probably talk about five or 10 years of increased assessment for Barrie. For that length of time those additional moneys ought to go back to Vespra township. In the bill itself I think we talked about a six-month



period where Vespra will continue to pick up the assessment.

Those are the components of the package I think need to be dealt with. It is hard for me as an opposition member and one who is not going to be directly involved in this set of negotiations to be specific, but I will risk a couple of numbers that in my view would get negotiations under way. If the ministry said at this time, "We will probably start by acknowledging that there is \$1 million in past debts that ought to be paid up and we will clear the decks of all the legal costs of the people who are involved," then that package would be in place.

If it said, "Here is \$1 million to \$2 million in unconditional grants," that would soften much of the hostility in Vespra township and much of the opposition from a financial point of view in the process leading to this bill.

I think it is then incumbent on the government to do an estimation—and let me ball-park it—as to what Barrie might offer. It seems to me we have never been able to establish this direct line of responsibility that we might like to have. The province has taken the initiative in the first place, at least in a visible way; it was not Barrie that proposed this bill, it was the province. I would say the majority of the financial liability for offering compensation rests with the province.

Because the city of Barrie has pursued it over a number of years, perhaps one can muster not a bad argument to say Barrie ought at least to come close to matching what Ontario has put forward as a compensation package to Vespra township. From my personal point of view, the unknown component would be where the county of Simcoe fits. I do recognize it fits; I am just not quite sure of the dollar amount.

Again, this is one of the problems in proceeding with the bill in this manner. In similar situations in which I have been involved one of the first things we insisted upon was that a lot of data had to be generated around projections; sometimes accurate, sometimes inaccurate, but there had to be some kind of mile-post. For example, there has to be someone projecting how much additional money the city of Barrie will generate because of this bill.

I think part of the compensation package ought to be that those moneys for a period of time would accrue to Vespra township instead of to the city of Barrie. From my municipal experience, I would think anybody who would be negotiating would say that would be at least a starting point for discussion.

I suggested yesterday to the Minister of Intergovernmental Affairs he should put forward a two-and-two proposal. He could say to them, "Here is \$2 million in different forms from the government of Ontario and an obligation on the part of the city of Barrie to put in an additional \$2 million." The \$2 million would not have to be up front. Most likely it would be paid at about \$50,000 or \$100,000 a year for X number of years—five years, 10 years or whatever was negotiated.

If the package was shaped in that form and put on the bargaining table, I think the council from the township of Vespra, the county council from Simcoe and the city council from Barrie would have some mile-post. They could say, "There is the starting point for this negotiating procedure."

I think I have been able this evening at least to identify who will be participants in establishing both the liability and the assets in financial terms around this piece of legislation. For example, I would have thought it would have been a fairly straightforward matter for the Minister of Municipal Affairs and Housing to take this initiative. To say they are here and Vespra, Barrie or Simcoe can always come to see them is not really the role of the province, as I see it.

It certainly has never been their position in any other boundary dispute, amalgamation, annexation or form of regional government. In my experience, when the government really wanted to do something, it always went to the councils with proposals. To its credit in my experience with it, it has never gone with an inflexible proposal. It has always said: "This is the way we see the package being fitted together. The first order of business is to identify who has responsibility for what, who has a rightful claim on some compensation and who has an obligation to be a participant in the funding of this process."

Perhaps my point of view is simple, but I think this is a time for a little simplicity. It seems to me that a package of two and two—\$2 million from the province and \$2 million from Barrie, probably saying the province's money would be up front in unconditional grants and Barrie's would be a financial obligation over a number of years—would certainly get the negotiating process under way.

We have not had much in the way of looking for an initiative, in particular looking for a dollar value initiative, that would take us down this road. However, as we go through the debate on whether this bill ought to be reported to the House, I believe we should talk about this basic problem.



**Mr. Martel:** Mr. Speaker, I do not think we have enough members to constitute a quorum. Will you count the bodies and then ring the bells? I counted them and there are 18, not including you.

**Mr. Havrot:** Where are all your members?

**Mr. Martel:** It does not matter where mine are.

**The Deputy Speaker:** We are slightly short of quorum, I understand.

The Deputy Speaker ordered the bells to be rung.

9:03 p.m.

**The Deputy Speaker:** We have a quorum. The member for Oshawa wanted to wrap up.

**Mr. Breagh:** I do not know about wrapping up. We just had half-time here. I am all set to go now.

Interjections.

**Mr. Breagh:** It seems to me there is grave disorder over there. Do you want to try them on for size, Mr. Speaker?

**The Deputy Speaker:** Will all members find their seats.

**Mr. Breagh:** Good idea. It is bad enough that I should have to talk to their faces rather than look at their better halves.

**Mr. Hodgson:** You do not have a lot of members there to support you.

**Mr. Breagh:** I have more than I need to take on members opposite tonight. I have the member for Sudbury East on my side. The two of us can handle 125 of you any day of the week.

Interjections.

**The Deputy Speaker:** The member for Oshawa may continue.

**Mr. Breagh:** I am being harassed again.

As I was saying before we had to reach out and apply some order to this business, I believe it is time for the government to put whatever set of numbers it cares to on the table in terms of this financial package.

I do not have computers nor a lot of staff to do this, but I have tried to observe the situation as I understand it and to put some starting points on the table. The government may say it is too rich a package to put on the table but I have attempted to base my observation on things the minister has said on previous occasions.

Interjection.

**Mr. Breagh:** Mr. Speaker, I do not know what is going on. It seems a bit of an orgy has broken out over there. I believe the Minister of

Energy (Mr. Andrewes) has the best-looking hairdo of the two, but I am not sure what is going on over there. I am not sure a young boy of my age should be exposed to this kind of stuff.

**The Deputy Speaker:** Order. Could the member for Oshawa return to the debate. The chair will deal with the other members.

**Mr. Martel:** Would you tell me what rule you are applying?

**The Deputy Speaker:** No. He is not to incite riots and other things. The member for Oshawa can continue.

**Mr. Breagh:** I will try.

Whatever numbers the minister may care to put out as beginning points for these negotiations, I think the time has come for the government to do just that. As someone who has been involved in various sets of negotiations, it is frustrating when there is not a starting point on the table. When one side says \$10 million and the other side says nothing, that cannot be negotiated.

I believe one of the fruitful things that could be done before proceeding with the final reading of this legislation is to have the minister stand in his place tonight and tell the members what the government's position is, as of now. I would not hold him to that as being the final negotiated solution to the problem at all. I simply think he needs to take that initiative. If he was courageous enough to move Bill 142 in the first instance, for reasons of his own, I think it is incumbent upon him—

Interjections.

**Mr. Breagh:** I do not mind seven or eight arguments going on at once, but when it hits 15 or 20, I have a little trouble addressing the chair. If you will call a little order—

**The Deputy Speaker:** I am following your every word.

**Mr. Breagh:** Yes, but you and I are having a conversation which is being drowned out by the government's back bench.

**The Deputy Speaker:** Order. Could the mini-cabinet meeting there sort of—

**Hon. Ms. Fish:** No.

**Mr. Martel:** Yes. Get out.

**Hon. Ms. Fish:** We would not want to have a quorum call.

**Hon. Mr. Andrewes:** There is our Metro member.

**Mr. Breagh:** That, I believe, is important in proceeding from here.



**The Deputy Speaker:** Order. If the member for Sudbury East could tone down his comments, and the group across the floor could refrain or could retire out of the chamber, then the member for Oshawa, who is so anxious to wrap up his comments—we can all sense it—may resume.

**Mr. Martel:** I rise in my place, Mr. Speaker, and you should have known better. Let me count them for you—there are about 18 of them and there are all kinds of conversations. I said earlier this afternoon I have always found it strange how you can detect a member from this side of the House and yet you have such great difficulty with that side of the House. I remind you of last night's debacle and last Thursday night's debacle when you gave a third and fourth warning to some member who weaves his way in and out of this Legislature.

**The Deputy Speaker:** Order.

**Mr. Martel:** I find it passing strange—

**The Deputy Speaker:** Order. If the member is calling my impartiality into question, we are not going to have that debate because one of us will be leaving and it will not be me.

I have asked the members over here to refrain from their debate and the member for Oshawa to continue. We thank the member for Sudbury East for his assistance, and for restraining himself.

9.10 p.m.

**Mr. Breough:** It is so difficult to try to work in these conditions.

At any rate, I believe it is important, in all seriousness, that the government put forward its position. On a number of occasions I have had it said to me that the government has a position on this financial package, but I do not know what it is. It has been said to me that everybody who is involved in these arguments knows the government position. I am not sure that is true, but I do know I have not seen it put on the public record in the House when we went through second reading debate, in the course of committee hearings or in the rather lengthy debate we have had so far on these aspects of the bill.

I believe it would be useful if we knew the government's position on this compensation package. Members of the Legislature could then, I think, exercise some judgement concerning whether the financial package supposedly put together by the ministry was a fair one. We could judge then whether the ministry is serious about negotiating a compensation package. It would give us some indication of how far we might have proceeded in negotiations.

In the absence of that we do not have much idea where this is and we are left—

Interjections.

**Mr. Martel:** Do you hear that, Mr. Speaker? Tell me, Mr. Speaker, are you having a hearing problem?

**The Deputy Speaker:** No, I can hear almost every word the member for Oshawa is sharing with us.

**Mr. Havrot:** Cut out the bazonga, Michael.

**Mr. Breough:** Get out the who?

**Mr. Havrot:** The bazonga. Cut it out. You are filling the House up with bazonga.

**The Deputy Speaker:** Order.

**Mr. Breough:** I am being harassed now by various members opposite.

**The Deputy Speaker:** You are a big boy; you have been through this before. Carry on.

**Mr. Martel:** It is the anti-labour member for Timiskaming (Mr. Havrot).

**Mr. Breough:** The anti-labour member for Timiskaming was harassing me. He is here so infrequently and makes such infrequent contributions I have difficulty identifying him.

**Mr. Havrot:** I have no difficulty identifying you because you have wasted more time than anybody else in this House.

**The Deputy Speaker:** Order. The debate is trailing off into an exchange of personalities, and we all know the rules do not permit that. Member for Oshawa, I know the member for Timiskaming, who has been here and attentively listening to the debate, wants to hear more. Could the member for Oshawa carry on?

**Mr. Breough:** I have to speak through the body of the Minister of Intergovernmental Affairs, and I am prepared to do so if necessary.

I think it is a prerequisite to proceeding that we see precisely what the government of Ontario has in mind. The rumour is that it does have a position. It was not presented to the committee; it is not available to the Legislature; it is supposedly known by Barrie, Simcoe and Vespra, but I am not certain of that. I have heard this rumour, spread particularly by members like the member for Wilson Heights (Mr. Rotenberg), whose credibility is somewhat in question on occasion and who occasionally makes statements I am not in full agreement with, so it may or may not be true.

But essentially what I have to say this evening is that this debate should not proceed, this bill should go no further, until such time as we have had an opportunity, all of us, to take a look at



what the government of Ontario is proposing in the way of a compensation package. I have in the course of my very brief deliberations here this evening attempted to assess the various parties and who might have—

**Mr. Boudria:** I missed some of it.

**Mr. Breagh:** I may have to repeat this. I do not want to repeat it, but I may have to. Members are putting in requests now that I fill in portions they missed previously.

I have attempted to assess at least who the players are and should be, and I think there is consensus on that. I have attempted to put forward a concept that here would at least be a point of initiation. I know Vespra made its initial assessment in committee. I do not believe it misunderstand the negotiating process so much that it thinks it can walk into a committee of the Legislature, put a dollar value on the table and automatically get it; but I do think it is interested—I know it is interested—in attempting to negotiate some compensation package before the passage of the legislation.

The only alternative would be for the government to use its majority to move closure this evening and again tomorrow afternoon, then in some rather mysterious way have a change of heart on the matter and say, “We have the legislation in hand, but we will not proclaim it until we have completed these negotiations.” That would be an awkward way to proceed, and it would certainly be an unfair way to proceed from the point of view of Vespra and the point of view of Simcoe, and perhaps even from the point of view of Barrie.

As we learned this afternoon in clause-by-clause debate, which we did meticulously, there is provision, in case these matters are not successfully negotiated, for a couple of things to happen. An appeal to the Ontario Municipal Board could occur. It would be somewhat ironic if that routine was followed, because the initiation of this legislation by the minister was supposedly because the OMB did not work quite as smoothly as the minister wanted, it had not quite resolved the problem. That is one scenario.

The second is the provision, written in rather stark terms, that the minister personally has the power now to establish this financial package and decide who pays. That would be an unfortunate way to proceed. It would be quite wrong. To say that one person, the minister, can arbitrarily determine, for example, that Barrie might have to pay \$4 million or \$5 million to Vespra, and that he has the ability to say it unilaterally, almost without question, would be quite wrong. If one

takes a strict interpretation of the bill, he can do that. He has that power, but that is not a preferred option either.

The other options have not been discussed at any great length to date. One of them is, as far as I can understand it, any one of the participants, although Vespra might be the most likely participant, may decide that what is happening in this legislation is illegal. The Speaker will know, and other members may know, a number of people across Canada are now looking at the new Charter of Rights for Canadians and beginning to establish by means of precedent precisely what that charter means.

An individual or township council such as Vespra has this option at its disposal. It could exercise its legal right to test the Canadian Charter of Rights before a court and establish whether this legislation is legal. That might be the most awkward option of all, because these precedent-setting cases will take some time and they will be expensive.

Groups such as the National Citizens' Coalition, for example, intend to test the waters in the courts. They are looking at a rather substantial expenditure of money, but that is okay with them. They have no urgency about their plans and they appear to be a well-financed operation. They will challenge how far their rights extend in the courts of this country at as many levels as they can. It is certainly within the realm of possibility that Vespra or any other players who are directly impacted by Bill 142 have at least sufficient grounds for taking the matter to court. Whether they want to pursue that through the various court systems and appeal levels, and to what extent they are prepared to argue in front of a court in Canada about their legal rights, are good questions.

**9:20 p.m.**

It would be expensive and time consuming. We know that. If, for example, Vespra township felt it was not being offered fair compensation in this legislation—it did not know what the package was, and when it was announced felt it had not been dealt with fairly—this is probably one of the ways it has the potential to get the government of Ontario to spend three or four times the amount of money in legal fees arguing this case before one of the courts in Canada than the government is prepared to offer in compensation. We should be mindful that if some measure of fairness for everybody involved is not brought to this process, that is what is going to happen.

That is not a particularly rational way to proceed, it is not the best way to proceed, but



have to admit it is one way to proceed. That could happen. A bill that is brought before the Ontario Legislature, supposedly to resolve a long-standing dispute, might well result in yet another long-standing dispute. A bill brought before us to resolve what has been touted as a \$1-million legal problem may well generate another \$2 million in legal fees subsequent to its passage.

One of the difficulties we have with this bill, and one of the reasons it would be liable to that kind of extended court proceeding, is that one certainly cannot argue that the bill represents a consensus.

**The Deputy Speaker:** The member for Oshawa, I assure you we are listening to your every word.

**Mr. Breaugh:** I did not want to interrupt your conversation.

**The Deputy Speaker:** We are seeking a little advice on procedure.

**Mr. Breaugh:** Fine.

What must be recognized is that this bill does not represent, by any stretch of the imagination, a consensus position on the whole matter that is in dispute here. One could not even carry out a good fake that there was much of an attempt to reach a consensus position either. In the course of the committee hearings, more than 100 people or groups appeared before the committee. I can think of perhaps three who might have said something in favour of the bill. The remainder were, without question, diametrically opposed to proceeding with this legislation. We understand that.

If one looks at the legislative track record of this bill, one will find it is flawed in spots. It certainly has some unusual aspects to it, the most distinguished of which is the fact that in order to get this legislation this government had to move closure motions twice in one evening. That would be taken into court and the courts would rightfully say, "It certainly was a contentious issue." They may rightfully say the government of Ontario has a majority and moved within its legal boundaries to pass closure motions which would expedite the debate.

As we found out in the course of the arguments here last night and yesterday afternoon, one will recognize that although the rulings of the chair, and we are not going to challenge those by any stretch of the imagination, allowed the government to move its two motions, at least members of the opposition parties questioned those rulings. That is a matter of record.

As we went through the debate last night, there was some considerable questioning as to whether

the motions put by the government were in order, were proper or were fair. As we go through this debate this afternoon and this evening, members will see more occasions when the government uses its majority to put a closure motion in effect.

This makes this legislation particularly vulnerable in a court of law. The use of closure motions around a boundary dispute, which is at least ostensibly what we are dealing with, has not been done anywhere that I can find in any parliament. No government anywhere since parliaments began has moved a closure motion on what is called a boundary dispute. That has never been done. We are in uncharted waters here.

We have a new Charter of Rights in Canada which is every day unveiling new precedents. Just to conclude this little portion of my remarks, to put it as politely as I can, this thing is pretty tenuous. It is a little fragile. The government of Ontario in this Legislature has a majority. As we saw when we went to California a couple of years ago, the California state legislature has a rule called the rule of 41. There are 80 members; if 41 of them agree they want to do something, they can do it, no matter what the rules say. If one has a majority, that is what will happen.

We know that in the course of this debate that is precisely what the government has done. It has set aside the ordinary rules of debate and invoked closure. It has invoked what it calls a guillotine or time allocation motion. That is going to earmark this legislation for considerable dispute in the courts. At the very least, the government has laid the groundwork for some creative lawyer to go before the courts and say: "There are lots of irregular things about these proceedings. There are lots of irregularities about the drawing of map lines, the committee hearings, the way the votes were held and the closure motions that were used. All of that opens up new turf." The government has made it a field day for the legal profession.

That is one option Vespra, Simcoe county or Barrie may choose to exercise, as may any of the citizens in Vespra township who are directly affected and who spoke so vehemently against this bill during the hearing stages. Any of them has that avenue of protest and redress open to him. The chances of that proceeding quite smoothly are nil.

I want to put the government on notice that no matter what might happen this evening or tomorrow afternoon, the government does not have what I consider to be just a moral obligation to put its bargaining package out front. From a practical point of view, the government has now



exercised its authority. We all agree the government has more members in the Legislature of Ontario than the opposition parties. We knew that going in, and it has been reaffirmed. Now the government has an obligation to put out front what it believes to be a reasonable starting point for a compensation package.

It is not an easy matter and it does not mean the matter is resolved, but I believe it is an obligation if the government wants to preclude some of the other awkward, expensive and likely arguments. The government will have to show some further initiative now and clarify exactly what its stand is on these financial matters.

That is why I believe this report from the committee of the whole House reporting Bill 142 should not be dealt with now. I believe it is premature to say the least. I will reiterate that I believe something must be done to break the impasse and to change the nature of how this bill proceeds. I am trying—not to threaten because I cannot threaten—to warn the government that the compensation package could be settled now and surely should be settled by the time we proceed with third reading. It is possible to do that.

If it does have a package in mind and if there are numbers available which the government says represent its current position, they should be known to the participants and the members of the Legislature. In the absence of that, I believe it is wrong for us to proceed with the motion before us this evening. It would be wrong for us to proceed tomorrow, according to the closure procedures, with third and final reading of the bill. It would be wrong from a moral, legal and straight practical, common sense point of view.

The government can have its way in the Legislature of Ontario. Such is not necessarily the case in the courts of Ontario. There are many interested participants in and observers of this bill who will exercise their legal rights. The initiatives taken by the Minister of Municipal Affairs and Housing, ostensibly to resolve a long-standing property dispute in short order, may be thwarted entirely by the fact there are people who are not members of the Legislature and who do not care that the Tories have a majority here.

They are citizens of Canada and they have some legal rights. They may not be quite as clear under the new Canadian Charter of Rights as many of us would like them to be, but they are interested in considering whether they should test the waters. Their right to test the waters is clear and some of them—perhaps from Vespra township, perhaps not—may take that right in hand and

actually exercise their judicial right to find out whether this bill in its current form will stand up before the courts.

**9:30 p.m.**

The better way to proceed, and I believe the preferred route, is to have a negotiated package in place before we proceed with third reading. I beg the members of this House to give due consideration to delaying the reception of this report of the bill from clause-by-clause discussion in the committee until we have had that package put in front of us.

**Mr. Charlton:** Mr. Speaker, I had hoped to have the opportunity to make some comments last evening. Unfortunately, the minister moved closure on us at the end of his comments, so I did not have the opportunity. Therefore, I am going to take the opportunity this evening to make a number of comments.

Most of the debate to date has focused on the pros and cons of the bill itself, the specifics with respect to those who support and those who are opposed to the situation in Vespra as it relates to the city of Barrie's desire to annex part of Vespra township. But I am surprised and disturbed we are even here having this debate. I say that for a number of reasons.

The party across the floor has been the party of government in this province for more than 40 years. It quite frequently taunts us on this side of the House with that fact. It is interesting to note that, having been the government for 40 years, it has learned very few lessons.

I recall a lesson it learned in the early 1970s. Although it went a long way to learning the lesson, it rushed too quickly to the solution and got burned in the process. It has very quickly forgotten those facts that it started to learn and started to piece together.

Although I was not in this Legislature then, I recall meeting with a number of members of the government party in the early 1970s on the issue of regional government. One of the rationales for regional government that came from members across the floor was that, in part, it was to get away from the piecemeal approach to expansion of urban centres and to create a new structure in which the major and expanding urban municipalities in this province could grow without the disruption, acrimony and unfairness of the whole question of expropriation.

Where are we now? We are right back where we were in the late 1960s and this government has learned no lessons. All it has done is to realize one folly, create another folly and allow both to continue to exist.



Any way the members want to look at that, I recall from my very early childhood and repeatedly through my life people telling me that two wrongs do not make a right. Instead of progressing to create a planning process that has some logic, understanding and flexibility, we have reverted to a system that allows us in this province to maintain the worst of both worlds: the worst of the world of regional government and the worst of the unfairness of the old processes in those areas of the province where regional government was never implemented because the government got burned in the process of implementing those regions that were put in place.

**Mr. Bradley:** I thought the New Democratic Party was for regional government. Is your party for or against that?

**Mr. Charlton:** We are not in favour of Tory regional government.

**Mr. Bradley:** Oh, that is fair.

**Mr. Charlton:** It never implemented the regional government we recommended.

**Mr. Epp:** Good thing the member for Welland-Thorold (Mr. Swart) isn't here to defend regional government.

**Mr. Charlton:** That is what I am saying. It has not listened on either front.

What is really unfortunate about this whole thing is we have a government that is so attuned to and so wrapped up in governing by polls that it has lost touch with communities. These polls, ultimately and unfortunately, become province-wide polls as opposed to polls that take into account local feelings and local autonomy and all of the questions that, in our rhetoric, we always express as very important, both from the government side and from our side. The government has lost touch with a community's desire to structure and protect its own future and a city's desire to plan its future. It has lost touch with both of those.

Not only has it lost touch with the questions of local autonomy in the cases of planning matters like this bill before us tonight, but it has also lost touch with that local sense of community in almost every area we can speak about in the House.

I have spent the last three years as the environmental critic for our caucus. One of the things I have noticed out of that role is if one takes an issue like acid rain it becomes, in the sense of Ontario, a global issue, an issue that virtually everybody in this province is concerned about.

It affects our forests, which are a major aspect of our economy. It affects our lakes, both in terms of their economic utility as a part of this province for fishing and other things, and from the perspective of their recreational value.

It also potentially affects our ability in this province to produce food. It is the one area that very little is known about yet, but we are starting to learn a little about it. Over the course of the next decade, we will learn a lot more about the impact of acid rain on our food crops.

With an issue such as the acid rain question, which in the context of Ontario becomes a universal or global concern, the government will adopt rhetoric that suits its mood because acid rain shows up in its polls as a global problem. The government not only adopts rhetoric that addresses that global concern but it moves in some small way to deal with that global concern. Even if, from the opposition's perspective, it does not move far enough or fast enough, it does move.

If we look at how this government responds to individual localized concerns around the economy—I relate that back to a localized set of concerns around the annexation in Barrie and Vespra—it ignores those local, isolated environmental problems. It also refuses to admit the problem even exists.

**9:40 p.m.**

The Minister of the Environment (Mr. Brandt) will get up and say acid rain is a problem and the government has made a commitment to deal with that problem. It is going to cut emissions by the middle of the 1990s by such and such. Even though the emissions happen to be going up this year, it has made a commitment and it will solve that problem because it is a real problem.

But in Stouffville, in Tiny township, in Wentworth riding just south of my riding or the Upper Ottawa Street dump, those local, isolated, individual problems that are not province-wide issues get ignored. They not only get ignored, but the government refuses to admit they are even a problem. The minister stands in his place, as the Minister of Municipal Affairs and Housing and his parliamentary assistant have done in this case, and belittles the problem.

One of the things that has been missing from this debate, and one of the reasons I decided I wanted to get up and speak last night, although I know very little about the specific disputes in the case of the city of Barrie and the township of Vespra, is that I have learned a few lessons over the course of my very short life.



I remember when I was nine years old I moved into the riding I represent at present. At that time, it was not Hamilton Mountain riding; it was called Wentworth riding. It was an era when the mountain in the city of Hamilton was just starting to develop. About five years before I moved into that riding, the city of Hamilton had annexed half of Barton township against the better judgement of the council and the residents of Barton township and against the better judgement of a number of politicians in the city of Hamilton. About five years after I moved into the riding, the city proceeded to annex the other half of Barton township.

During the course of this debate, a number of people have talked about the possible benefits of this annexation for the city of Barrie and a number of others have spoken about the potential for problems for the city of Barrie resulting from this annexation.

For as long as I can remember, most municipalities in this province have lived with the myth, have believed the myth and have professed or carried on the myth that commercial-industrial assessment reduces the tax burden for residential home owners and their urban municipality. I say "myth" because it is a myth; it is not a reality at all.

I am not sure why this myth has survived, because if we sit down and look at the facts with respect to tax burdens and services, it is a myth. Commercial-industrial assessment does not provide a municipality with a tax benefit for its residential home owners. It costs them money. The reality is that the services we have to provide to commercial and industrial areas are services that cost far more per capita than the services we provide to residential homes.

There are those who are still caught up in that myth in the city of Barrie, those who are after a hunk of Vespra township in order to fulfil the so-called benefits the myth provides, benefits that do not exist.

I go back to what I was saying about that period in the early 1950s when the city of Hamilton annexed half of Barton township on the escarpment. The city annexed it on the basis that we had to have more assessment in Hamilton—residential, commercial and industrial—in order to facilitate the expansion of the city on the one hand and a reduction of the overall tax base for residential home owners in Hamilton in general.

What they did not realize was that there were problems in this approach and that the whole approach, in fact, was fraught with problems. One of the very first problems that arose was that

right after they annexed half of Barton township and issued building permits to a number of developers to start doing surveys on the mountain, surveys that included four shopping malls and about 20,000 homes over the very short span of about six years, they suddenly discovered they had too many people on the mountain and there were access problems up the escarpment.

What they ended up having to do was to reduce all the assessments on the escarpment for lack of proper access and for inconvenience, and this affected the market value of all those properties. Those reductions in assessment caused a shift of tax burden to the home owners in the old, lower city, those residents and ratepayers whom the expansion of the city of Hamilton was supposed to help.

They shifted an additional tax burden to them because they ended up having to give a tax break to the new areas of 10 per cent, which remained in place from the early 1950s right up until 1980, because of lack of access. This would have been a very simple question and a very foreseeable problem if we had not been so caught up in this rhetoric and this myth that assessment, especially commercial-industrial assessment, means tax benefits.

What we have done by the proliferation of this myth, by the continued belief in this myth, is to create the kind of confrontations we have between Vespra township and the city of Barrie. Everybody gets caught up in it, and we have seen it here.

On rare occasions during the course of this debate over the last number of weeks, we have heard the Minister of Municipal Affairs and Housing put his position. We have heard the parliamentary assistant to the minister put his position. We have heard the comments that have been made about the Solicitor General and his involvement in this whole process. We have heard about the likely deals that went on among the Ministry of Municipal Affairs and Housing, certain law firms and Cadillac Fairview.

**9:50 p.m.**

All of this for what? Certainly not for anything that is logical or human or fair in its aspect, certainly not for anything that was going to provide something to anyone that did not already exist, and certainly not for the benefit of a rural municipality, Vespra township, in which the residents should have the right now and in the future not only to decide what their community is and will be, but also to decide the ways in which that municipality will be altered, will grow and



develop and to decide what the nature of that community will be.

We all talk the rhetoric of local autonomy but we all seem to forget what it means. None of us can provide easy answers on how decisions were made in the past about what communities were. We have before us an established community, Vespra township, and its residents want to be able to decide what their community is and should be. We throw into that another community, the city of Barrie, which not only wants to have the right to decide what its future will be, but also to decide, outside of itself, where its future growth will happen, on somebody else's back.

Most of the debate on this bill is centred on the commercial developments, the mall developments that have gone on in Vespra township, and the question of who has to service those commercial developments. I am not here to defend or analyse the sins of administrations from the past that allowed those developments to occur. None of us, unfortunately, is in a position to do that.

Along with the annexation we have in this bill, the very arbitrary annexation by legislation that is about to occur to grab the commercial development and move it into the city of Barrie, there are going to be people in the township of Vespra who are not a part of that commercial development and who have built rural homes. They may have spent 50 per cent more to get themselves a home than they would have had to spend in the city of Barrie on a much smaller lot with full services, in order to get out of the congestion of urban development. Those people are going to be affected by this arbitrary process and by the extensions of this process that will continue.

It does not matter whether we put a limitation in the bill that says the year 2012. If Barrie needs no more room to expand between now and 2012, when that limitation will hold, and after 2012 the city of Barrie will move out to take the next hunk. The parliamentary assistant knows, even though earlier in today's debate he shook his head to indicate no, if the date of 2012 that we have put into this bill as the limitation becomes obsolete by 1992 and if the city of Barrie, which has more votes with this government than Vespra township has, desperately claims to need another major expansion, this government will come back into this House and amend this piece of legislation, remove the 2012 date and proceed to annex another hunk in spite of whatever objections might come from Vespra or from the opposition in this party or in the Liberal Party. We all know

that to be a reality; we have seen it happen too many times not to believe it will happen again.

**Mr. Eves:** At least you admit this government will still be here in 1992. I agree with you, by the way.

**Mr. R. F. Johnston:** That is an ugly thought.

**The Acting Speaker (Mr. Cousens):** Order.

**Mr. Charlton:** I would say to the member for Parry Sound (Mr. Eves) at the rate this government is going, this province will not be here in 1992.

Interjections.

**Mr. Charlton:** We even have seals over there, do we?

I find this bill offensive, as other members have said, because of the very arbitrary nature of this kind of legislation. But I also find it very offensive because it so clearly reflects the fact that we have not learned lessons from the past and from our past mistakes.

It is interesting to note, just as a measure of what I am saying about our past mistakes around the city-county system and the expropriation process that has gone on in the city-county system, and about our mistakes around regional government, that in cities such as Hamilton, where we have a regional government and where we also had the problems of annexation and arbitrariness before regional government, we find a government that has ruled the province for 40 years with an almost total inability to convince voters of anything.

**Mr. Rotenberg:** They re-elect us.

**Mr. Charlton:** Not in Hamilton-Wentworth they do not, my dear friend. The government's total plurality in the regional municipality of Hamilton-Wentworth is 150 votes. As a result of the government's approach on things like this and the way the Minister of Transportation and Communications is jamming GO Transit and a number of other things down the throats of the people of Hamilton-Wentworth, I can assure members that after the next election it will revert to the situation it was in before 1981 without a single member from the Hamilton-Wentworth area.

That is true not only in Hamilton-Wentworth but in a number of other areas around this province where the people have seen the ultimate effects of the arbitrary and unthinking approach of this government to municipalities, to boards of education and to annexations and any number of other arbitrary measures we want to talk about.

**Mr. R. F. Johnston:** This is good.



**Mr. Charlton:** This is good? They are encouraging me to continue. That is fine.

**The Acting Speaker:** The honourable member will proceed.

10 p.m.

**Mr. Charlton:** Mr. Speaker, there are any number of other examples from across the province we could draw on. For example, we could look at what happened to the government members from Kitchener-Waterloo after the arbitrary imposition of regional government. We could look at what happened to a number of government members from Ottawa and the Sudbury basin after the imposition of regional government.

There are clear examples for the government of what happens when it takes this swash-buckling, slash-them approach. We all like the movies that occur in the vastness of the Pacific jungles with heroes slashing their way through the bush, but for a government to operate in that fashion is just not acceptable.

The member for Brant-Oxford-Norfolk, a member who has been around this Legislature for God knows how long and maybe even God does not remember how long, came to me just a few weeks ago because, as part of the voluntary-arbitrary program of reassessment in this province, a small piece of farm land that the member has outside Brant county, which happens to fall in the Hamilton-Wentworth area, was reassessed at market value last fall and implemented in January for taxation and his taxes doubled all of a sudden.

**Mr. Nixon:** They more than doubled.

**Mr. Charlton:** They more than doubled. I will get the situation of the member straightened out.

I raise the issue simply because it is a reflection of the insensitivity over there. Did those people ever stop to think why they lost a riding like Wentworth North, a riding that for 100 years was never held by anyone but a Tory? Then all of a sudden they lost that riding. Not only did they lose it all of a sudden, but in the first round in 1975, the first time they ever lost the seat, they lost it by 17,000 votes.

Do those people understand what the impact and reality of that is? Do they understand what they did to those people to cause that kind of resentment? Do they understand how much one has to hurt people to lose a seat that has been Tory for 100 years to a member such as the member for Wentworth North (Mr. Cunningham)?

**Hon. Mr. Elgie:** Hamilton Mountain may be in trouble.

**Mr. Charlton:** Hamilton Mountain is always in trouble. That is why we have members such as myself. The arbitrary measures this government proceeds with will keep my riding in trouble for ever, because the economic approach this government takes causes chaos for the people in my riding. If we combine that with the economic approach that is taken in Ottawa by the Liberal Party, we have a total disaster on our hands.

There is the arbitrary nature of this bill and the lack of an ability by members on the government side to look back and understand what we have done in the past and how we tried for a short period to remedy the problem. Even if the remedies were not much better than the problem at least for a short period we realized the problem and tried to remedy it. I will give at least that much credit to some members of the government party who unfortunately are no longer with us. Unfortunately, they got out—

**Mr. Shymko:** Is the member referring to Ed Ziemba?

**Mr. Charlton:** No. I am talking about members of the government party.

**Mr. Shymko:** Where is Ed Ziemba?

**The Acting Speaker:** Order.

**Mr. Charlton:** The member does not run against members of the government party, does he? He does not defeat members of the government party, does he?

**Mr. Shymko:** We defeat your members; that is for sure.

**Mr. Charlton:** The unfortunate thing is that some government members at least realized the problem of our arbitrary approach to urban growth. People such as the former member for Chatham-Kent, the Honourable Mr. McKeough may not have found the proper solutions, but at least they realized the problem. Those people drove him out. They would not listen. The reason they would not listen is that they were too short-sighted to see the problems he recognized. Now we are here with a bill like this because they were too short-sighted to deal with the problem he recognized. The former member may not have found all the solutions, but at least he made an effort.

As the member for St. Catharines (Mr. Bradley) mentioned earlier, this party has a position on regional government. Our position was not the same as theirs. We supported some aspects of what they did but not others, because our vision of regional government was not



identical. At least the former member for Chatham-Kent and the members of this party uniformly saw a problem that had to be dealt with and attempted to find solutions.

We are not in a position to know whether our solutions are any better than theirs that failed. We would not be so presumptuous as to suggest that our existing policy on regional government and municipal planning in this province is any better than theirs. But at least we are still prepared to recognize the existing problem and try to find some solutions.

All this party of power across the way has been able to accomplish is to recognize the problem for an instant. When the solutions did not work out like that, it drove out those who were looking for the solutions and went back to the old, the arbitrary, the unfair. It continued pushing the myth of why the old, arbitrary and unfair had to keep happening.

10:10 p.m.

Members of both parties on this side applauded the member for Oshawa (Mr. Breaugh) when he spent nine hours on his feet. They knew what he was doing and what he felt he had to accomplish. All of those on the other side of the House booed or criticized that approach because they have before them a government bill they are told they have to support.

As the member for Oshawa said a number of times during this debate, they will support it both tonight at 10:15 or 10:20 or whenever it is we vote, and tomorrow night at six o'clock when we have the final vote on third reading of this bill. Then they will go out into their rural ridings and try to rationalize why they supported this kind of arbitrary, unfair and detrimental legislation. It is not only detrimental to Vespra township, but also ultimately in many respects probably detrimental to the city of Barrie as well.

Until we can stand up in this House and freely admit we have a problem with the planning and growth process and with urban development in this province and then sit down together to try to work out some reasonable solutions, not the kind of precedent we are setting with this bill—and it is a precedent; the member for Oshawa has made the point that it is not only a precedent moving this bill to settle a boundary dispute, but also moving closure to bring to an end a bill to settle a boundary dispute—we will see more of these kinds of bills here before us. It is like everything else: if they do it once, it is always easier to do it the second time and even easier the third.

For all those reasons and for all the lessons we do not appear to have learned here in this House, we cannot support this legislation.

**Mr. R. F. Johnston:** Mr. Speaker, I rise to participate in this debate at the insistence of several guards who shall be nameless, as well as my uncle Jack Johnston and one page who has since left. They will just be a few short remarks.

**Mr. Breaugh:** We like those short remarks.

**Mr. R. F. Johnston:** I was born in 1946—

**Mr. Conway:** Where?

**Mr. R. F. Johnston:** In Pembroke, Ontario. I remember it well. My father was Robert C. Johnston—

**Mr. Conway:** Buck.

**Mr. R. F. Johnston:** Known as Buck to the member for Renfrew North (Mr. Conway) and others.

**Mr. Conway:** A Liberal and a hell of a good ball player.

**Mr. R. F. Johnston:** A Liberal probably to this very day, as is being noted. He was at that point on the town council in Pembroke as a councillor.

**Mr. Rotenberg:** What has this got to do with Vespra? Only two minutes left.

**Mr. R. F. Johnston:** I am being rushed in my pithy remarks. I wanted to raise that because there was no annexation on at that time in Pembroke. As a result, the people of Pembroke never had to suffer the way the people of Vespra township are now having to suffer.

I want to pick up on a point the member for Hamilton Mountain (Mr. Charlton) was making about this whole business of the infectious nature of annexation and unilateral action and lack of proper consultation and negotiation. It is like peanuts, as I was just saying to the Hansard reporter. Once one starts eating them, one cannot stop. Once one of these annexations gets going, there could be many others afterwards.

This is a matter of extreme seriousness to this party, as I thought it was to the Liberal Party of Ontario, but it seems the speeches we have been anticipating have evaporated. All the complaints about the short précis my colleague from Oshawa delivered to this House on this matter, saying this was somehow interfering with other members' time, seem to have been totally unreal. There have been no speakers from the other side, just the occasional interjection, basically unintelligible as usual, from the member for High Park-Swansea (Mr. Shymko). Over here we have seen no one wanting to rise and participate.

Interjections.

**Mr. Speaker:** Order.

**Mr. R. F. Johnston:** I felt I had to get up at this time.

**Mr. Kerrio:** There were only three New Democratic Party members when I was here last. What happened to all the lefties? They should come back into the chamber now and say it the way it is.

**Mr. R. F. Johnston:** Is this a point of order?

**Mr. Speaker:** No.

**Mr. Kerrio:** I thought it was a good point.

**Mr. R. F. Johnston:** Mr. Speaker, you come from Peterborough and you know there has been no attempt to annex Bridgenorth as yet. If you were to think about Peterborough moving on Bridgenorth en masse with the help of its Tory friends over here, I know you would be offended by this and would rise to the defence of those people in Bridgenorth to make sure this kind of thing did not take place in the province.

**Mr. Breagh:** He would not sell them out.

**Mr. R. F. Johnston:** That is right. It would be the same kind of thing as suggesting they should move south and infringe upon Bewdley. I know again that would be nothing—

**Mr. Speaker:** I must point out to the honourable member that in accordance with the motion passed by this House, the time has come to place the question.

**Mr. R. F. Johnston:** I was just getting started.

**Mr. Speaker:** You were indeed.

The question before the House is, shall the report be received and adopted?

**10:25 p.m.**

The House divided on the motion for adoption of the report, which was agreed to on the following vote:

#### Ayes

Andrewes, Ashe, Barlow, Bennett, Bernier, Birch, Brandt, Cousens, Cureatz, Dean, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Hennessy, Hodgson, Johnson, J. M., Jones, Kells, Kennedy, Kerr, Kolyn, Lane, Leluk, McCaffrey;

McCague, McLean, McNeil, Norton, Piché, Pollock, Pope, Ramsay, Rotenberg, Scrivener, Sheppard, Shymko, Snow, Stevenson, K. R., Taylor, G. W., Timbrell, Treleaven, Walker, Watson, Wells, Wiseman.

#### Nays

Allen, Boudria, Bradley, Breagh, Bryden, Charlton, Conway, Edighoffer, Elston, Epp, Haggerty, Johnston, R. F., Kerrio, Mackenzie, Martel, McClellan, McKessock, Miller, G. I., Newman, Nixon, O'Neil, Renwick, Ruston, Spensieri, Swart, Van Horne, Worton, Wrye.

Ayes 52; nays 28.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, tomorrow afternoon, June 27, we will deal with third readings of Bills 62, 84, 85 and 142.

The House adjourned at 10:30 p.m.



CONTENTS

Tuesday, June 26, 1984

Report

Committee of the whole house, Bill 142, Mr. Bennett, Mr. Breagh, Mr. Epp, Mr. Martel,  
Mr. Charlton, Mr. R. F. Johnston, agreed to ..... 2905

Other business

Business of the House, Mr. Wells ..... 2924  
Adjournment ..... 2924

SPEAKERS IN THIS ISSUE

- Andrewes, Hon. P. W., Minister of Energy (Lincoln PC)  
Boudria, D. (Prescott-Russell L)  
Bradley, J. J. (St. Catharines L)  
Breagh, M. J. (Oshawa NDP)  
Charlton, B. A. (Hamilton Mountain NDP)  
Conway, S. G. (Renfrew North L)  
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)  
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
Epp, H. A. (Waterloo North L)  
Eves, E. L. (Parry Sound PC)  
Fish, Hon. S. A., Minister of Citizenship and Culture (St. George PC)  
Havrot, E. M. (Timiskaming PC)  
Hodgson, W. (York North PC)  
Johnston, R. F. (Scarborough West NDP)  
Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
Kerrio, V. G. (Niagara Falls L)  
Martel, E. W. (Sudbury East NDP)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Rotenberg, D. (Wilson Heights PC)  
Sheppard, H. N. (Northumberland PC)  
Shymko, Y. R. (High Park-Swansea PC)  
Turner, Hon. J. M., Speaker (Peterborough PC)  
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)







No. 84

# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario



**Fourth Session, 32nd Parliament**

Wednesday, June 27, 1984

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back together with an alphabetical list of the speakers taking part.

An alphabetical list of members of the Legislature of Ontario, together with lists of members of the executive council, the parliamentary assistants and members of the standing committees, also appears at the back as an appendix.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, June 27, 1984

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### SAFETY STANDARDS IN MINING INDUSTRY

**Hon. Mr. Ramsay:** Mr. Speaker, on June 20 and 21, 1984, I provided honourable members of this House with details of the tragic accident that ultimately took the lives of four miners employed at the Falconbridge mine.

Today I wish to provide members with a report on the implementation of the recommendations contained in the report of the Joint Federal-Provincial Inquiry Commission into Safety in Mines and Mining Plants in Ontario, headed by Kevin Burkett. My purpose is not to provoke partisan debate but rather to inform honourable members of the efforts that have been taken by labour, management and government in the province to improve safety practices in mines and to indicate what remaining steps need to be undertaken.

Members will recall that the Burkett commission was established in July 1980 to examine the adequacy of existing arrangements and practices that could affect the safety of workers in mines and mining plants in Ontario and to make appropriate recommendations on this important subject. The commission was appointed in part because of a concern about the unusually high number of mining fatalities that were recorded in 1980. It should be noted that the Burkett commission report was published three years after the report of the Royal Commission on the Health and Safety of Workers in Mines, chaired by Dr. James Ham, whose recommendations laid the foundation for both the Occupational Health and Safety Act and its cornerstone, the internal responsibility system.

In an effort to gain an understanding of the safety practices currently in place and to permit all parties to participate fully in its deliberations, the Burkett commission undertook a multi-faceted inquiry. Among other things, the commission conducted public hearings, visited a number of mines and mining plants, contracted for several research papers and commissioned an

update of the data contained in the report of the Ham commission.

In April 1981 the report of the Burkett commission was released. This very comprehensive document contained a total of 83 recommendations, which dealt with the following topics: (1) the responsibilities of chief executive officers, front-line supervisors and workers; (2) what the commission referred to as the contributive responsibilities of joint health and safety committees, company safety departments, unions, the Mines Accident Prevention Association (Ontario), and the mining health and safety branch of the Ministry of Labour; (3) worker training; (4) ground control techniques; (5) the use of alcohol and drugs; (6) lighting; (7) the available accident data base; (8) jurisdictional and administrative arrangements for the safety of Ontario uranium miners, and (9) the production bonus.

The majority of the commission's recommendations were directed towards the policies and administrative procedures pursued by individuals and organizations with responsibility for the health and safety of miners. The commission's final recommendation was that a follow-up inquiry into the adequacy of safety practices and arrangements in Ontario mines and mining plants be undertaken within three years of the release of the report.

As I indicated to members on Thursday last, Ministry of Labour officials and I have met with senior representatives of labour and management on a periodic basis since the report was released. The purpose of these meetings has been to obtain status reports on the implementation of the commission's recommendations. Quite apart from these sessions, many additional meetings have been held between the relevant parties to discuss the recommendations and the steps taken to adopt them. The result of the consultations, as I noted on June 21, is that the vast majority of the recommendations put forward by the commission have been implemented.

While time does not permit me to list all the recommendations that have been acted upon, let me refer to some of the more important ones:

(1) Modular training programs, developed on a tripartite basis, have been put into place for



hard- and soft-rock miners, and a similar program will be developed shortly for first-line supervisors.

(2) The Mines Accident Prevention Association of Ontario has engaged the services of a professional engineer to provide courses on ground control techniques throughout the province. In addition, ground control courses are now given at two community colleges.

(3) All large mines in the province have secured the services of professional engineers with expertise in the field of rock mechanics to provide advice to management on ground control procedures. Smaller companies have trained their own geologists to undertake this activity.

(4) The tripartite Mining Legislative Review Committee now reviews all recommendations put forward by coroners' juries to determine whether amendments are called for to the mining regulations to prevent similar incidents from occurring.

(5) The Atomic Energy Control Board has passed a regulation under the Atomic Energy Control Act incorporating, by reference, the Occupational Health and Safety Act and accompanying regulations. This regulation will be administered and enforced by Ministry of Labour inspectors and officials.

I also wish to point out that quite apart from the recommendations put forward by the Burkett commission, the Ministry of Labour, on advice received from the Mining Legislative Review Committee, has caused important amendments to be made to the mining regulations, with a view to improving worker health and safety. In 1983, for example, a total of 98 changes were made to 74 sections of the regulations. In addition, the committee continues to examine other important subjects such as the development of underground communication systems.

Some recommendations contained in the Burkett commission report have yet to be fully implemented. Included in this category are recommendations dealing with underground lighting and the development of additional post-graduate courses in rock mechanics. In the case of underground lighting, the results of a report undertaken by a technical consultant will be available shortly for study and appropriate action. On the subject of graduate courses on rock mechanics, discussion between government officials and representatives from universities are continuing.

**2:10 p.m.**

I should also add that labour, management and government representatives have not, in every

case, been able to agree on the desirability of the recommendations put forward by the Burkett commission. A case in point involves the recommendation that, wherever practical, falling object protection should be installed on all man-operated underground equipment. This matter was investigated in detail by the Mining Legislative Review Committee, which concluded that the better approach was to ensure that all rock surfaces were scaled, screened and rock bolted.

As I indicated earlier, the Burkett commission recommended a further inquiry be held to assess the adequacy of safety practices in Ontario mines and mining plants in the light of the findings contained in the report.

I wish to inform the House that I will be convening a meeting with labour and management representatives as soon as possible, not only to review further the status of the substantive recommendations put forward by the commission, but also to discuss how the further inquiry recommended by Mr. Burkett and his colleagues should be structured.

I will also ask that the participants consider mechanisms that might be employed to accelerate the implementation of those recommendations which have not been fully adopted as yet. We will also be discussing other approaches that might be employed to enhance worker health and safety in mines and mining plants.

The tragic events of last week have reminded us all of the unforgiving environment in which the miners of this province earn their livelihood. I am committed to making this class of work place a safe and healthful one, so that miners may continue to perform their important work without fear of injury or illness.

**Mr. Speaker:** Statements by the ministry.

#### VISITOR

**Mr. Speaker:** Before proceeding, and with the indulgence of the House, I would ask all honourable members to join with me in welcoming the Honourable Bernard P. Dunn, MLC. Mr. Dunn is leader of the National Party in the Legislative Council of Victoria, Australia. He is here taking part in a study group and is proceeding onward on Friday.

#### HUMAN RIGHTS

**Mr. R. F. Johnston:** Mr. Speaker, on a point of order: From the proceedings, I understand there are no more statements.

**Mr. Speaker:** I called for statements and nobody stood up.



**Mr. R. F. Johnston:** I have a point of order when. It refers to a matter I had hoped would have been brought forward today by the Minister of Consumer and Commercial Relations (Mr. Elgie).

A couple of years ago we passed Bill 7, the Ontario Human Rights Code, but there was a delay with respect to the imposition of all the terms of that act until two years had passed, so the various ministers and ministries could comply with the various parts of that act in regard to sexual discrimination or discrimination by age and that sort of thing.

This being the last day of the House, I had expected we would have heard by this time as to whether all ministries were complying or whether there were some exemptions for even a longer period of time.

**Mr. Speaker:** Obviously, the minister does not have a statement. The member might put that question to him at the proper time.

#### FRENCH EDUCATION LEGISLATION

**Mr. Boudria:** Mr. Speaker, on a point of order: I understood from discussions with the government House leader, the Minister of Intergovernmental Affairs (Mr. Wells) last night that the government was going to introduce the Franco-Ontarian education bill today. Is there no statement to that effect? Is the government not going to explain to this House what it is going to do?

**Hon. Miss Stephenson:** Yes. That is at introduction of bills.

**Hon. Mr. Wells:** It is the same as what was printed.

**Mr. Speaker:** Order.

**Mr. Cassidy:** Mr. Speaker, on a point of privilege: In view of the court ruling yesterday, it would certainly be helpful if the minister could make a statement now, rather than leaving it until after question period. There will not be another occasion.

**Mr. Speaker:** Order. Will the honourable member please resume his seat.

**Mr. Cassidy:** I just make the point that this is a very important and fundamental piece of business—

**Mr. Speaker:** I realize that.

**Mr. Cassidy:** —and the government is deliberately avoiding the chance to be questioned on this legislation before we adjourn for the summer.

**Mr. Speaker:** Order. The honourable member will please resume his seat.

**Mr. Boudria:** That is the way you usually do it. Why can you not stand up and say what you are going to do for once? Why do you not have a little more courage on francophone issues?

**Hon. Miss Stephenson:** I have lots of courage and you are going to hear about it.

**Mr. Speaker:** Order. The member for Prescott-Russell (Mr. Boudria) will please be quiet.

#### ORAL QUESTIONS

##### LEGISLATIVE PROGRAM

**Mr. Peterson:** Mr. Speaker, I have a question for the government House leader. Given that this is the last day of the session and he is now contemplating our return to this Legislature to deal with the fundamental problems facing this province; given the fact there are so many real and serious problems that have not been addressed in any meaningful way by the government, there are many bills outstanding at the moment that are important and need discussion—such as freedom of information which the government has reneged on; amendments to the Theatres Act; dealing with the crisis in the agricultural community; dealing with problems of our seniors and providing income maintenance for the disabled—given the fact the government has done nothing of substance to deal with those; given the fact that many observers think this is the most unproductive session ever in the history of this parliament, certainly one of the worst—

**Mr. Speaker:** Question, please.

**Mr. Peterson:** —will the government call this House back early in September, following Labour Day, to deal with those real problems?

**Mr. Martel:** You are funny. You have been negotiating to get out earlier all along.

**Hon. Mr. Wells:** Mr. Speaker, first of all, it surprises me very greatly that as one of the 125 members of this House, the Leader of the Opposition would want to be associated with an opinion that would suggest he has been sitting here since March doing nothing, because in fact he has.

**Mr. Boudria:** There is not much sense in bringing in legislation. You just keep blocking it.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** In fact, the government of this province has introduced much legislation during that period. It has introduced some 20 more bills than last year. By the time this afternoon is finished, more bills will have received royal assent in the spring session than



received royal assent last year. These include some very important bills, such as the Courts of Justice Act which rewrites all the procedures for our courts here and makes French an official language of the courts. They also include the Land Registration Reform Act, the Young Offenders Implementation Act and a whole host of other pieces of legislation.

**Mr. Wrye:** One of the worst sessions ever.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** I would say to my friend that it is perhaps about time he stopped believing what I think a number of members of the press would like to believe and he would like to propagate—that this has been a dull session. This will be remembered, in the long history of this province, as one of the historic sessions, because at this time and in this session, the Premier (Mr. Davis) and this government extended aid to the separate schools to grades 11 and 12. In the long history of this province this will be looked at as a very rewarding session.

**Mr. Riddell:** Mr. Speaker, for months now, for well over a year, we have been asking this government what it intends to do to help the red meat producers of this province, some of whom are going bankrupt every day. As a matter of fact, the number of bankruptcies is up this year as compared to last year.

When the questions were put to him, the Minister of Agriculture and Food (Mr. Timbrell), responded by saying that everything hinges on the national stabilization program.

**Mr. Speaker:** Question, please.

**Mr. Riddell:** Since the national stabilization program has not been dealt with in the House of Commons yet, and it is questionable whether it will be before the summer recess—

**Mr. Speaker:** Question.

**Mr. Riddell:**—what is this government going to do to keep our farmers in business since they cannot rely on a national stabilization program to be passed in the House of Commons before the end of the summer? What is this government going to do to keep our farmers alive? Why does it not follow the example of the other provinces that are subsidizing the red meat producers?

**Hon. Mr. Wells:** Mr. Speaker, I am going to let that question be answered in a very excellent manner by my colleague, the Minister of Agriculture and Food, when he appears here in a few minutes.

I want to add to the second part of the Leader of the Opposition's question. He knows very well we have tabled today a schedule of business that

will keep the members of this House busy on the work of this province from the day this assembly adjourns until we come back in October.

Included in that is the study of the Workers' Compensation Act amendments, the Child and Family Services Act—

**Mr. Nixon:** We studied that last summer too.

**Mr. Peterson:** And the summer before.

**Hon. Miss Stephenson:** Why do you not pass it then?

**Mr. Nixon:** We did.

**Mr. Speaker:** Order.

**2:20 p.m.**

**Hon. Mr. Wells:**—and a number of other measures that will be considered.

I do not like to be critical, but I would suggest the Leader of the Opposition talk to his House leader and to others in this House. We made arrangements, and never once did I hear seriously questioned the fact that we would be adjourning in June and coming back on October 9, given that the members of this House will be busy carrying on work in committees during that period.

**Mr. Nixon:** Mr. Speaker, on a point of order. Just before the government House leader moves into an area where he might possibly mislead the members, the date of return is usually announced by the government House leader. It is not arrived at by any consensual procedure; it is announced. The government House leader is proud that he thinks like his leader; he said so. That is why he is such a good House leader, and one can judge that for what value it has. What he has told us is when the House will return, and we simply convey that to our colleagues.

**Mr. Martel:** Mr. Speaker, since the government House leader simply stated a few moments ago that he heard no objections to coming back before October 9, does he not recall that he opposed our getting out of here on June 13, which was the original date, and asked that we come back in mid-September, at the latest, so we could do the business of the House?

Is that not a fact? Is the government House leader prepared to get up and at least admit that he somehow misled the House, not deliberately but inadvertently?

**Hon. Mr. Wells:** Mr. Speaker, I think my friend is proving the point. He made quite an argument that we should not adjourn on June 13 and I accepted his argument. We are still here and we are still doing the business of the House.



There is certainly some truth in what the House leader for the official opposition, the member for Brant-Oxford-Norfolk (Mr. Nixon) says, but he knows that if he had really fought hard for a date in September, I would perhaps have considered some change.

**Mr. Wrye:** Mr. Speaker, the government House leader may put any description he wants on it. I think most of us who are here—

Interjections.

**Mr. Speaker:** Order.

**Mr. Wrye:** —including the press gallery, would view this as a session dominated by trivial issues as we sleepwalk our way towards the next election.

Perhaps when the government House leader considered an October return he did not think there would be anything for us to do, so why does he not consider taking the next couple of months to prepare some legislation and some initiatives for this Legislature? Then we will come back in September and look at raising income maintenance levels for the disabled and we will look at the frail elderly programs, the homemaker programs and all those social issues that the government keeps saying it is going to deal with but never does deal with.

Why do we not take a couple of months off and let the government get ready the legislation it was not able to get ready this spring, then come back and do it in September?

**Hon. Mr. Wells:** Mr. Speaker, I see in Orders and Notices a notice that suggests my friend and others are going to be studying the Day Nurseries Act in September, and I would not want to deprive them of doing that.

#### YOUTH EMPLOYMENT

**Mr. Peterson:** Mr. Speaker, I have a question for the Treasurer. It being the last day, I want to give him a chance to explain himself and tell us what has been going on.

We have discussed in this House, as members will recall, his Ontario Youth Hotline, his new method of dispensing information across this province on his youth employment programs. Is the Treasurer aware that we phoned the hotline again this morning and no information is available and nobody knows what the new programs in the budget are?

They referred us, with respect to the old programs, to another phone number. We phoned the old program number and they said no new applications are being taken—in fact, they are full—and referred us back to the original hotline

number for the new programs, where they do not know what they are doing.

On June 6 we had a young constituent who requested information about jobs from that hotline. Nothing has arrived and there is no material in her hands at this date, many days later.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** In his very clever little brochure called Ontario Youth Opportunities, the Treasurer said a number of things, but I will quote the end: "The government has made a start. Let us not wait another day to prepare our young people for tomorrow." Given the fact that his budget is now 43 days old, how long do we have to wait for action?

**Hon. Mr. Grossman:** Mr. Speaker, if we had chosen to take the advice of the Liberal Party of Ontario and mounted so-called job creation programs which are in the federal Liberal government mode, we would have had the programs allegedly operating the next day.

If the member wants programs for young people where they dig and fill up holes, he can have them the next day. If he wants programs for young people that would teach them how to lick an envelope and seal it, he can have them the next day. In point of fact, listening to the member for St. Catharines (Mr. Bradley), he could use one of those programs. Maybe we should have done it. If he wants programs where young people are taught to paint the fence and go home, he can have them the next day.

However, if he wants to reject old-time, old-style Liberal politics and Liberal economics and if he wants to move into the future to help these young people to deal with the hard core of the problem—this will be a surprise to the member—it is not done in 24 hours; it takes some time to get a program up and running.

However, I have one piece of advice for the member which I will offer him during my supplementary answer.

**Mr. Peterson:** The Treasurer has had more than 24 hours; his government has had 40 years and has done nothing. He does not learn.

**Mr. Speaker:** Question, please.

**Mr. Peterson:** In the Treasurer's great diatribe, weak as it is, in defence of his own feeble position, I assume he is expounding the Tory view of job creation—which is to advertise but do nothing.

Given the fact that the Treasurer has spent \$400,000 on television advertising, excluding of course the production costs—it does not include



the radio advertising; it does not include his little brochure with his signature and fine declaration on it—and given the fact that he has said in the past, “There is no use having programs if one does not advertise,” my question is, what is the use of advertising if there are no programs?

**Hon. Mr. Grossman:** I know the member might have missed this, although we might have said it only 30 or 40 times. I know he has watched the advertisements and read them very carefully. The object of them is to locate private sector employers—this is with an “er” and it means people who employ other people—to offer positions for young people.

Instead of employing them on government payroll, as the member would have it, we are trying to identify employers who would help us with these programs. We have always acknowledged—

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** This may be the last question period for the member for Hamilton Centre (Ms. Copps), so she should listen. She may use some of this in Ottawa.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Grossman:** If the member will pay attention to the advertisements, he will find they seek employers. This is because our programs are private-sector based. I am delighted to say the investment we have made in those campaigns has resulted in more than 100 employers a day calling to offer jobs for young people. To date, we have accomplished more than all of the member's suggestions, stacked end to end, would ever be able to provide.

Finally, I have one piece of advice for the member. He should watch the advertisements and write down the youth employment number. Some of his people may be needing it before we meet again here in the fall.

2:30 p.m.

**Mr. Peterson:** I want to ask one final supplementary to this very helpful and pleasant minister. How many telephone calls has he had and how many jobs has he created?

**Hon. Mr. Grossman:** As I did indicated in this House the other day—

**Mr. Bradley:** The unemployed are not laughing, even if the Premier (Mr. Davis) is.

**Hon. Mr. Grossman:** We could send the unemployed a copy of the member's speech of the other day.

As I indicated, we are getting more than 100 calls a day from employers. That information is being relayed to the youth employment counselling centres, which I know the Leader of the Opposition supports. The youth employment counselling centres are working with those job offers, where they are appropriate, to find jobs for the young people who most need them. That has vastly increased the number of real job offers available to the youth employment counselling centres.

When one considers the fact that more than 100 employers a day are calling, and often calling with more than one job offer and more than one training position, we are in very good shape.

In order to feed the member's addiction to having a specific number of jobs that are being created, the positions we are creating this summer alone, as I indicated the other day—perhaps the member was not here—will be well in excess of 110,000. It will be some time we will be down in the year before we have the final numbers because we are feeding them through the counselling centres and precise monitoring will be much more difficult.

There will be many more jobs, however, and they will be much better jobs than the member has suggested.

## FRENCH EDUCATION LEGISLATION

**Mr. Cassidy:** Mr. Speaker, I have a question to the Minister of Education with respect to French-language education rights.

In view of the government's decision not to make a statement prior to question period, which would have enabled us to have a more informed discussion at this time, can the minister tell us whether the government has drafted its proposal in such a way that the right granted under section 23 of the Charter of Rights and Freedoms to instruction in minority-language educational facilities, that is, in French-language schools or entities, will be implemented, or is the government still backing away from that commitment which is so important to students in areas such as Iroquois Falls and Mattawa?

**Hon. Miss Stephenson:** Mr. Speaker, the government has not backed away at all. As a matter of fact, before there was any appeal to the courts, there had been a great deal of discussion and we had announced our intention of introducing amendments to the Education Act to ensure that the impasse that developed as a result of the debate regarding the Languages of Instruction Commission of Ontario would be resolved. The



are some of the amendments to the Education Act that were introduced for first reading in this House last December.

If the honourable member has read the bill, he knows they are there and knows they are still a part of the bill. My colleague the Minister of Intergovernmental Affairs (Mr. Wells) said yesterday we would be reintroducing the bill with some slight changes in wording to include the impact of the decision of the Ontario Court of Appeal, but the policy that was introduced last December is maintained in the amendments to the Education Act.

Does one make a statement a second time simply because one is going to reintroduce the same bill?

**Mr. Martel:** You do it all the time.

**Hon. Miss Stephenson:** I do not do it.

**Mr. Cassidy:** I have to express concern, in view of the fact that the Court of Appeal's decision clearly knocks out a lot of the proposals that were in the government white paper of a year ago and also the proposals that were in the Education Act amendments tabled in December. Is the minister not aware the court ruling indicates that failure to set statutory guidelines on the establishment of French-language schools or entities is inconsistent with the charter?

Has the government responded to that? Will the government take action to ensure that the Franco-Ontarian communities in Iroquois Falls and Mattawa, which have been struggling to have a French-language entity for many years and have been resisted by the majority in that area, can have their French-language entity this September?

**Hon. Miss Stephenson:** It is obvious that until the act is passed there cannot be a final resolution to the problems the member cites. We are not talking about the white paper; we are talking about the amendments to the Education Act that were introduced as Bill 157 in the last session of this Legislature, and that is what is being reintroduced today. It does address the concerns that I think the member is looking at.

**Mr. Boudria:** Mr. Speaker, would the minister not admit that the reforms to the Languages of Instruction Commission of Ontario she proposes in her bill are grossly inadequate and that the situation in Iroquois Falls and elsewhere will not be corrected because she is not giving quasi-judicial power to that commission?

Would the minister not agree, therefore, that the bill she is introducing today should immediately go to committee over the summer months in

order to proceed with hearings on those inadequacies, to amend the bill with the input of the public, to bring it back to this House in the fall and finally to get some teeth into the Languages of Instruction Commission, so we do not have the perpetual repetition of the mess that is happening in Iroquois Falls, Mattawa and everywhere? She knows the amendments she has proposed are inadequate.

**Hon. Miss Stephenson:** Mr. Speaker, the simple answers to the two questions—and there were just two in all of that rhetoric—are no and no.

**Mr. Boudria:** That is commitment for you.

**Mr. Speaker:** Order.

**Mr. Cassidy:** The minister knows our party has welcomed the commitment by the government to provide French-language education for every French-speaking pupil in the province. But is she not aware that the weakness of her proposals until now has been that there has not been adequate assurance that there will be a French-language school or entity where the numbers warrant? This has been the issue that again and again has divided communities across the province and created enormous problems for Franco-Ontarians.

Does the legislation coming in this afternoon speak to that problem? If not, why has the government chosen to ignore the court's ruling?

**Hon. Miss Stephenson:** Mr. Speaker, the government is not in any way ignoring the court's ruling; in fact, we had made the proposals before the court ruled. What the bill does is to guarantee French-language education for French-speaking students in Ontario and English-language education for English-speaking students in those areas in which they are in the minority. That is what the bill provides.

## PENSION REFORM

**Mr. Mackenzie:** Mr. Speaker, I have a question of the Minister of Consumer and Commercial Relations.

We understand there are now some 200 companies that have not yet filed their 1983 financial reports with the Pension Commission of Ontario. Can the minister tell us how the pension commission can exercise its regulatory powers and monitor the situation? Can he also tell us how many other situations like that at CCM are out there and how the workers can have any assurance of the security of their pensions?

**Hon. Mr. Elgie:** Mr. Speaker, as we have reviewed before, the final triennial report is



received during a period of time that I believe extends up to six months after the end of the year, which brings it to the end of this month. There is a filing that takes place in April, but then there is a confirmation process.

As I have indicated quite openly in the House before, there is a need for us to review the provision of information to pensioners, potential pensioners and their trade union representatives. We are looking at that now, and I hope the member knows it.

**Mr. Mackenzie:** We have three days left and the minister wonders how many of those 200 just may be at risk.

Can the minister tell us why this government allows companies to withdraw surplus funds or earnings from the pension plan and add them to general revenue? Does this government not accept that pensions are deferred income and, therefore, any surpluses should go to increasing existing pensions or adding benefits to those on pension?

**Hon. Mr. Elgie:** As the member knows, this has been a long-standing issue, one the commission has dealt with at some length and one in which I think this House can take some pride, in view of the fact that the Treasurer (Mr. Grossman) recently indicated very clearly, at a meeting of the representatives of all the provinces of this country, that this government believes some degree of inflation protection should be provided for workers in the province and that he intends to pursue that course.

I have not yet heard the member opposite say, "Good stuff," even though we stand alone in comparison with other provinces. Which party is in power in Manitoba? I cannot recall. It is not Friday, so I will not ask a trivia question. But if it were Friday, I would ask what party in this country is in power—and there are not many governments formed by that party—and refuses to accept that principle? Can anyone name it?

**An hon. member:** Not the NDP.

2:40 p.m.

**Hon. Mr. Elgie:** Not the NDP. Thank you very much.

Interjections.

**Mr. Speaker:** Order.

**Mr. Mackenzie:** As the minister well knows, we have been raising the question of the companies taking advantage of the surplus for some time. We still do not have it resolved.

The minister himself said, back on May 14, in response to questions from my leader about this same matter: "I have determined it is not satis-

factory. We have to move towards some more frequent process of evaluating the sufficiency of the contribution and towards a process which advises employees and their unions on a more regular and shorter basis than that. We have been working on it for some time and hope to proceed in the near future."

Can the minister tell us when we will proceed on this in a meaningful way and tighten up the loopholes that exist there now in terms of pensions for workers and the security of those pensions for workers?

**Hon. Mr. Elgie:** May I just go to the last issue first on security for workers. Since it is not Friday I do not want to go through the trivia questions today, but the member knows this is the only province in this country that has in place a pension guarantee protection fund. I have yet to hear him criticize others, even to the west of us, that do not have that fund in place.

I am glad the member remembered I did say that those are areas we are pursuing. We are continuing to pursue them. I have been in contact with some representatives of the trade unions about the kind of options we are looking at now. There are considerations under way.

#### VISIBLE MINORITIES

**Mr. Peterson:** Mr. Speaker, I have a question for the Minister of Labour. The minister will recall that some three months ago, immediately after the issuance of the paper Equality Now! from our federal colleagues, an all-party committee, I asked him to direct his mind to that report. He said he had not had a chance to review it and had been briefed only quickly, but he would take under advisement my suggestion that a select committee, an all-party committee, of this House look seriously at the recommendations of that report and how they apply, particularly in the provincial jurisdiction.

He said then he had not had time to review it, but he would probably read it over the weekend, as I recall. That is three months ago. I am sure he has had a chance now to review it and I am sure he would agree there are many recommendations that are directly applicable here in Ontario.

Why did the minister not come back to this House with his recommendations on how that report could be used constructively by members of this House? Does he have a plan now of how we can study those recommendations? Is he prepared to share with us his thoughts on that report and how he is going to advance in that area?



**Hon. Mr. Ramsay:** Mr. Speaker, I must apologize to the Leader of the Opposition. I did not catch the first part of his question and I am not sure what report he is referring to.

**Mr. Peterson:** The report we discussed some three months ago, Equality Now!

**Hon. Mr. Ramsay:** I am aware of the report the Leader of the Opposition is referring to. I have read it and I have asked my staff for their comments on it, but I am not in a position at this time to indicate what appropriate action we might be taking.

**Mr. Peterson:** I do not want to be uncharitable, but it is obvious the minister does not remember, so I would refer him back to March 29, three months ago, when he said he had been briefed briefly and he would take my suggestions under advisement.

I also asked him at that time to involve himself in discussions with the Treasurer (Mr. Grossman) and others involved in the race relations area in the cabinet to make sure there were special programs for job creation for our visible minority. Did the minister have any discussions with the Treasurer? If he did, why did the Treasurer not respond in a specific way in his budget to attack a problem which is so serious?

That report indicates there is an 88 per cent unemployment rate in some areas among visible minority youth, in the Regent Park area in Toronto, just to use that as an example. Why has there been no response from the minister or his colleagues to those constructive suggestions?

**Hon. Mr. Ramsay:** There was a meeting of the cabinet committee on race relations just as late as this morning on that particular subject. There was also a meeting of the cabinet committee on race relations chaired by the Attorney General (Mr. McMurtry) last Wednesday morning where the subject was discussed at that time.

#### CONSOLIDATED HEARINGS PROCESS

**Mr. Charlton:** Mr. Speaker, I have a question for the Minister of Energy. The minister is fully aware of the ongoing controversy about the southwestern Ontario transmission proposals of Ontario Hydro. Now that the Hydro empire is striking back through its public relations, can the minister tell the House how long he is prepared to allow Ontario Hydro to continue to mislead the public of Ontario with its blackmail tactics in relation to the net effects of this so-called locked-in power at Bruce?

**Hon. Mr. Andrewes:** Mr. Speaker, I have a little difficulty seeing a question there, but

perhaps the honourable member would like to be more explicit when we come to the supplementary.

I suggest he is likely reading Mr. Claridge's articles in the Globe and Mail again. Mr. Claridge was quoting directly from some evidence offered by Ontario Hydro at the Ontario Energy Board hearings which would suggest that, following 1988, provided various generating units at Bruce come on stream, there could well be locked-in power at Bruce.

**Mr. Charlton:** Perhaps the minister could tell me, as my colleague suggests, whether or not Darth Vader is going to be the next chairman of Hydro. While he is thinking about that, could he tell us how Ontario Hydro can say on May 31 that there are going to be continuing blackouts in this province as a result of the locked-in power at Bruce nuclear and then say yesterday there will not be any blackouts because of the additional costs to replace that power? In other words, they have the capacity to replace the power; yet they were pumping out information only weeks ago about blackouts. Which is it going to be? When will the minister stop Ontario Hydro from contradicting itself in its efforts to frighten the people of Ontario into providing something that may not be necessary?

**Hon. Mr. Andrewes:** Once again, the member has not been explicit about the material he is referring to. I cannot comment on this hypothetical material.

**Mr. McKessock:** Mr. Speaker, the Divisional Court decision on Monday leads me to ask what attention is paid to an appeal to cabinet by a member such as myself. For example, on July 15, 1982, two days following the decision announced by the board, I appealed this decision to cabinet. I appealed the decision on the grounds that the people in my area were not properly notified of the hearings. This is exactly the same basis on which the court decision on Monday was based.

I quote the last sentence from my appeal: "I, therefore, make the appeal that further hearings should be held on the M3 route before any further decision be made by cabinet." Had the minister paid attention to my appeal and reopened the hearings at that time, as I suggested, before cabinet made its final decision, he would have saved Ontario hundreds of millions of dollars.

**Mr. Speaker:** Question, please.

**Mr. McKessock:** Will the minister assure us we will now have a complete and thorough rehearing of this matter?



**Hon. Mr. Andrewes:** Mr. Speaker, I can only assure the member that at this time we are considering the various options to expedite this proposal.

#### CUPE LABOUR DISPUTE

**Mr. Hennessy:** Mr. Speaker, my question is to the Minister of Labour. Could he give me an update on the question asked last Friday, June 22, regarding the strike of outside workers of Local 87 of the Canadian Union of Public Employees in Thunder Bay? It is now three weeks later and both parties are not at any stage of negotiations. Meanwhile, garbage collection, parks, cemeteries, public works and road maintenance in this city have been affected by this strike. Could the minister bring me up to date on this matter?

2:50 p.m.

**Hon. Mr. Ramsay:** Mr. Speaker, there have not been very many developments since I reported on this in the House the last time the member brought it forward. My mediators are in constant touch with both parties. The parties met in mediation on April 25 and then again on June 6. I believe strike action began on June 14. The parties met directly without mediation on June 18. We had a mediation meeting on June 19. At that time, the mediation efforts were unsuccessful.

It is usually appropriate after a mediation session to let the parties re-examine their positions. June 19 is only about a week ago, so that lapse in time is not unusual. We are hopeful we will be able to get the parties together again. There is no sense in bringing them together if one side or the other is not prepared to make a move. We are hopeful we will be able to get them together and that we will be able to resolve the dispute in a reasonable period of time.

**Mr. Hennessy:** As the minister has mentioned, it is very difficult to get both parties to dance when the orchestra does not want to play. In his position, could the minister not get in touch with both parties and ask them if they would be willing to sit down and negotiate? It is like two people in an argument: if a third person makes a suggestion they are willing sometimes to sit down and negotiate.

The people of the city of Thunder Bay are suffering from this strike. That is the reason I am asking the minister for some action.

**Hon. Mr. Ramsay:** I know the suffering that goes on because a similar circumstance lasted all summer in my home riding of Sault Ste. Marie about six or seven years ago. I can understand the

problems the member is describing to me from a first-hand point of view. I want to emphasize that our mediator is in touch with the parties almost on a daily basis. We have to have both parties agreeable to sitting down and talking. They have to change their positions somewhat before we can begin to act.

I want to assure the honourable member that every effort that can be made is being made by my ministry to bring this to an early resolution.

#### TABLING OF INFORMATION

**Mr. Conway:** Mr. Speaker, I have a new question for the first minister concerning the release of the report of Mr. Justice Campbell Grant relating to certain matters arising out of Harold McNamara's diaries.

In view of the fact the session will adjourn hours from now, and in view of the fact that the seventh anniversary of his first commitment to release that report is fast approaching, can the Premier indicate in this House today whether he is now prepared to live up to the commitment he made some time ago, obviously in good faith, and release the report of Mr. Justice Campbell Grant which arose out of certain disclosures from Harold McNamara's diaries?

**Hon. Mr. Davis:** Mr. Speaker, I listened rather carefully the other day when the honourable member indicated that seven years ago I said the report would be released. He neglected to say it would be released, not after permission from but on recommendations from the law officers of the crown. I know the member missed that part of my commitment. I think the Attorney General told the House the other day the matter is still not resolved.

**Mr. Conway:** That diary raises very grave questions about public policy in this province some years ago. All the accused who were jailed are now released and the appeals still outstanding are on narrow legal matters. The entire legal action related to bid-rigging on federal contracts. The diaries and our interest in the diaries relate particularly to the Ontario Hydro construction at Arnprior. Can the first minister indicate to me and the House how those appeals in any way compromise the release of a report done by Mr. Justice Campbell Grant, presumably on those issues of public import such as the Madawaska Dam project at Arnprior?

**Hon. Mr. Davis:** I am very aware of the member's interest in this report. I think I said at the time that while I was not prepared to table the report, it indicated quite clearly that there were no problems. I know that is not what the member



would like the report to contain. In response to the question, I am guided by the answer given by the Attorney General.

### UNEMPLOYMENT

**Mr. Martel:** Mr. Speaker, I have a question for the Minister of Natural Resources. The minister will recall that on November 30, 1983, he indicated funds were going to be allocated to the development of Wanapitei park. In view of the fact that some 8,800 people will come off the unemployment insurance rolls by September, would the minister be prepared to advance those funds and commence that project as at least some measure to reduce the massive unemployment in the Sudbury area, which is currently about 15 per cent.

**Hon. Mr. Pope:** Mr. Speaker, we have made moves in many branches of the ministry to attempt to alleviate the unemployment situation in Sudbury, both on a temporary and a permanent basis. It is true we have examined the Wanapitei park both for approval as a candidate park under our land use planning process and also through the ongoing review with respect to actual regulation pursuant to the provisions of the Parks Assistance Act.

At this time, I cannot give a commitment to the honourable member on the expenditure of funds or the timing of a decision on the expenditure of funds.

**Mr. Martel:** The federal government has not seen fit to create work. The Treasurer (Mr. Grossman) reiterated this afternoon he was not prepared to undertake make-work projects. This certainly does not fall into that category.

Since the welfare rolls in Sudbury will increase by 70 per cent by the end of this year, does the minister not think it would be wise to reduce the unemployment insurance and welfare rolls and start a project that would be of direct benefit to Science North in attracting people, with places for them to stay, and that would provide some work for those who are unemployed?

The government's theme in conjunction with the region has been to get some diversification, tourism being one of the areas. Would it not be wise to move in that direction and assist in all the ways I have mentioned so as to provide some benefit to the Sudbury region?

**Hon. Mr. Pope:** Obviously, we do feel there is some sense in moving in that direction. That is why we indicated that Wanapitei Lake is a candidate park under the land use planning process and also a candidate park for regulation

under the Parks Assistance Act. I am not in a position to give the member anything more specific than that in terms of timing or level of expenditure.

### ROMAN CATHOLIC SECONDARY SCHOOLS

**Mr. Bradley:** Mr. Speaker, I have a question for the Minister of Education regarding the announcement in the House by the Premier (Mr. Davis) on June 12 on separate school funding.

In his statement the Premier said the following, "...we must not undertake a course of action that by its nature or in its execution would cripple or limit the viability of our nondenominational public secondary school system, which is accessible to all and universally supported and which will always remain the cornerstone of our education system."

In view of this statement by the Premier and in view of his desire and that of the government to see the implementation of this funding brought about in a way that would not garner a good deal of opposition from the public school community, will the minister assure the House that the funds provided to secondary education for Roman Catholic schools in this province will not be provided at the expense of the public school system, but will be new funds that will provide what the people in the Roman Catholic separate school system have been looking for for years?

3 p.m.

**Hon. Miss Stephenson:** Mr. Speaker, it would seem that the honourable member has overlooked a very important part of the statement made by the Premier, namely, that we are shortly appointing a commission to examine the whole matter of financing of publicly supported education in Ontario.

I believe it is inappropriate to make suggestions about ways in which things will or will not be done when we shall be anticipating the words and decisions of a group of very wise persons in determining the most appropriate methods of funding of the entire publicly supported system.

**Mr. Bradley:** If I recall correctly, the figure of approximately \$40 million a year was arrived at—the minister will correct me if I am wrong—without the deliberations of the commission, and I detect from her answer to my original question that she is not prepared to give that undertaking.

Will she give an undertaking to members of this House, then, that on the various commissions she has set up to look into, first of all, the implementation in independent schools, but particularly the one she has mentioned—that is,



on the funding of education—a good variety of people from the education community will be represented on that commission in order that all points of view on education that exist in the province today will be fully considered and that those people will be in on the semi-decision-making process?

**Hon. Miss Stephenson:** I think it would be ludicrous to suggest that everyone who has an interest in the funding of the education system—

**Mr. Bradley:** No, you know what I am talking about.

**Hon. Miss Stephenson:** This is just as sensible as the statement you made which suggested that I said I was not going to ensure that anything happened.

**Mr. Speaker:** Order.

**Hon. Miss Stephenson:** What I was really saying was that I think it inappropriate for me to prejudge what the wise persons on that committee will determine. But there is no doubt that there must be strong representation from those who have knowledge of the public public system and the public separate system. There also has to be very good input, it seems to me, from those who provide all the money for the systems, and they are the taxpayers of Ontario.

#### RETRAINING PROGRAMS

**Mr. Allen:** Mr. Speaker, I have a question for the Minister of Education.

Interjections.

**Mr. Speaker:** Order.

**Mr. Allen:** Is the minister aware that a very flexible program of retraining and upgrading at the Niagara South Board of Education was subjected recently to a redefinition of full-time students in memorandums B9 and B3 issued by the ministry, which established the retroactivity principle, that is going to cost the board \$700,000 over the course of the year June 1983 to 1984 and will prejudice a program that caters to at least 400 young people and adults who are engaged in programs of upgrading and retraining?

**Hon. Miss Stephenson:** Mr. Speaker, I am aware that we did define very clearly for the purposes of board audits those who are considered to be students, those who are not considered to be students and the way in which the funding would be delivered in support of them.

I do not believe the action that has been taken will definitively and permanently prejudice the activities of boards related to upgrading, which is

certainly a very grave responsibility of school boards and which we are supporting as a result of the new methods of funding continuing education that we brought into effect more than two years ago.

It is also my understanding, however, that those in the Ministry of Education responsible for determinations of definitions for funding purposes are looking at all the concerns that are being expressed by all the boards at the present time and are reviewing this definition in the hope of ensuring there are enhancements of programs that provide for the upgrading of students in a way that allows those students to participate in skills development programs for their benefit and for the benefit of society.

**Mr. Allen:** I wonder if the minister is aware of the degree of flexibility that is required in the programming for many of the adult learners who are going back to those programs who are on shift work and cannot meet the regular times of continuing education programs. In estimates she has declared herself to be aware of these things, yet she is putting in place at this time a program, a funding principle, that not only is punitive and retroactive but will also make it extremely difficult for a board like the Niagara South board to maintain a program of flexibility.

**Mr. Speaker:** Question, please.

**Mr. Allen:** Will the minister not undertake to review the principles she is putting in place? Will she not abandon the punitive retroactivity that is at work in the memoranda B9 and B3? Will she not undertake to enhance, rather than to limit and curtail, retraining and upgrading programs by the funding devices she puts in place and the definitions she has of full-time students?

**Hon. Miss Stephenson:** If there is any rigidity it is not within the funding mechanism at present. There is flexibility available to boards that could be utilized effectively by boards if they were willing to look at it. There are all sorts of means that can be established, and the action that has been taken is anything but punitive. It is responsible and accountable to the taxpayers of Ontario, which is what it should be.

**Mr. Bradley:** Mr. Speaker, why does the minister continue to invoke cutbacks on those programs, such as the one mentioned by the member for Hamilton West (Mr. Allen) and the member for Prescott-Russell (Mr. Boudria) who raised this issue in the House previously? Why does she continue to implement cutbacks in programs which are so successful and which would enhance the reputation of the Ministry of



Education if she were to show the kind of flexibility that allows a maximum number of people in Ontario to take advantage of our education system and eventually to keep themselves off the unemployment rolls of this province?

**Mr. Boudria:** She cut it because it worked.

**Hon. Miss Stephenson:** Mr. Speaker, such a suggestion is almost as ludicrous as the kinds of statements that emanate from the so-called mouth of the member for Prescott-Russell. There is flexibility—

Interjections.

**Hon. Miss Stephenson:** I did not say anything unparliamentary, not a thing.

**Mr. Speaker:** Order.

**Hon. Miss Stephenson:** Flexibility is part and parcel of this activity. It is the rationale for introducing the amendments to the funding mechanism and it is unfortunate—no, it is fortunate for the students of Ontario that the mathematical inability of the former teacher now representing St. Catharines is not being inflicted upon the school pupils of that area.

#### HOUSING REBATES

**Mr. G. I. Miller:** Mr. Speaker, I have a question for the Minister of Municipal Affairs and Housing. Is he aware that a rebate of \$8,000 per home is being provided for new homes in Townsend? Would the minister be prepared to assist housing construction in existing subdivisions in Haldimand-Norfolk and in other parts of Ontario to that extent?

**Hon. Mr. Bennett:** Mr. Speaker, the answer to the first question is yes and the answer to the second question is no.

**Mr. G. I. Miller:** The money of Ontario taxpayers is being utilized to compete directly with local builders. I do not know whether the minister is aware of this, but there are only three or four builders who are allowed to build in Townsend. If I bought a lot there, I would have to have it built on by them. Would the minister not consider allowing other builders, as long as they conform to the plans of the new town sites, to utilize their expertise in building new homes there?

**Hon. Mr. Bennett:** The member is fully aware of exactly how we came to have people develop homes in Townsend. We put out an invitation to those who wished to build in Townsend to make their submissions. We had several contracts submitted from contractors who are from that area. We did not try to exclude

anyone from the opportunity. It has been a matter of their own ability to move forward and to take up the offers of the lands that have been made available as serviced lots for the development.

As developers or as part of a development organization, as is the case in the private sector, we have to find ways of encouraging the movement of homes at a reduced price to the consumers in this province. I understood that was the objective of the Liberal Party when it criticized this ministry in regard to housing.

How can one put housing in the marketplace for the individual consumer, the middle-income earner, who wants to buy a house in Townsend or anywhere else? Here is an opportunity through the mortgaging program to reduce the price of a house to the individual consumer. I would think the member would be delighted that people who are going to be residing in his constituency are buying a home for \$8,000 less than under normal circumstances.

#### VICEROY LABOUR DISPUTE

**Mr. Mackenzie:** Mr. Speaker, I have a question of the Minister of Labour. The minister will be aware that 123 employees of Viceroy Manufacturing Co. in Toronto have been locked out for more than a year. After some 40 years of labour peace, they were taken over by a new owner who, with the assistance of his lawyer who is also the member for Yorkview (Mr. Spensieri), locked those workers out. There has been a continuous effort ever since to break the union in that plant. Can the minister give us an update on what has happened?

3:10 p.m.

**Hon. Mr. Ramsay:** Mr. Speaker, there are two problems. There is the matter of paying vacation, termination and severance pay, and orders were issued last fall, following an investigation by our employment standards branch. The employer decided to challenge those orders on judicial review and the employer has obtained an order staying the effect of the directions that are made under the Employment Standards Act. The Ministry of the Attorney General has entered an appearance on behalf of my ministry in respect to this application. As a result, I think it would be inappropriate for me to make any further comment on that aspect of it.

As far as the collective bargaining dispute is concerned, a senior mediator has been actively engaged now for some time endeavouring to assist the parties to reach a settlement. A series of mediation meetings have been held. The last meeting was in late May.



I am happy the member has raised this question today, and I am pleased to report that it appears quite likely now that the parties will be brought together in a further mediation effort before the end of this month, which means before the end of this week or certainly early next week. I cannot forecast the outcome of this meeting, but the member is aware and very appreciative of the efforts of our mediation people in these various disputes.

**Mr. Mackenzie:** I am pleased with the slight hope the minister holds out. I hope it is accurate. It might be advisable to take a look at the kind of advice being given by outside counsel, such as the member for Yorkview, in a case such as this. As the minister also knows, mediators were present when the owner of this plant called the union and the workers "criminals." I believe that will show on the record. This is a plant where the workers had 40 years of contract settlements without a strike. I hope the minister will see to it that every effort is made to resolve this particular dispute.

#### PCB DESTRUCTION FACILITIES

**Mr. Elston:** Mr. Speaker, I have a question to the Minister of the Environment with respect to mobile polychlorinated biphenyls destruction. In the light of the fact there are about 1.5 million litres of PCBs in storage now, and another six million litres being used in transformers, why has it taken the minister so long to determine the process he is going to implement to destroy these, which in effect has led to several serious spills over the years we have been following this very serious chemical waste, including a spill of some 38 gallons of pure PCBs at the Miracle Mart shopping plaza on April 24 and numerous other losses of barrels of PCBs in other sites.

**Hon. Mr. Brandt:** Mr. Speaker, there have been relatively minor upsets with respect to some of the PCBs in storage. To indicate they were serious is not a correct or appropriate statement. The reason the process is taking so long is this ministry went through the exercise of attempting to identify and to put in place a central site for the destruction of PCBs. We found that most communities had a great deal of resistance to having those types of facilities located in their particular area.

We then moved to mobile technology. We have proposed to hold one hearing in Toronto with a series of public meetings in 18 communities across the province in order to communicate with the people of this province exactly what our intentions are, exactly what the technology is,

and to let them know that in every way, shape or form this is going to be safe and appropriate technology for the destruction of PCBs.

If we were not going to take that step, the criticism from across the floor would immediately be one of indicating we had not consulted with the people of Ontario, we had not given them the information that was required in order to make a proper decision on this matter. Quite frankly, I think we are moving in quite an appropriate and correct fashion.

#### UNEMPLOYMENT

**Mr. Riddell:** Mr. Speaker, on a point of privilege: After reading the article from yesterday's Toronto Star about the thousands of people in Metropolitan Toronto who cannot afford to buy food, it troubles me to see the outward display of smugness and self-satisfaction on the part of the Treasurer (Mr. Grossman), and the Premier (Mr. Davis), when they are asked questions about unemployment and job creation programs in this province.

Surely this government can do much more to help the downtrodden of this province.

#### PETITIONS

##### INDEPENDENT SCHOOLS

**Mr. Watson:** Mr. Speaker, I wish to table a petition signed by just over 500 constituents of the county of Kent which reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"As resident electors of the county of Kent many of us send our children to Christian independent schools because we believe that Christian parents have a God-given mandate to choose the kind of education that shall be given to our children. We educate our children to become all round Christians and Canadian citizens, with love and respect for God and country.

"Most Christian school supporters are people of modest means. We ask for your help in reducing the unfair burden of what, in effect, is double taxation. Our schools operate in the public interest. We ask for protection for the right of our school to its existence and the remission of taxes taken away by Ontario but not used for the education of our children."

##### SALE OF BEER AND WINE

**Mr. Boudria:** Mr. Speaker, I think it is fitting on the last day that we sit that we should have one more petition which reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:



"We, the undersigned, petition the government and the Legislative Assembly to support the private member's bill of Don Boudria, MPP, to permit the sale of beer and Ontario wine in small, independent grocery stores.

"Pétition adressée au Lieutenant-gouverneur en Conseil et à l'Assemblée législative de l'Ontario:

"Nous, soussignés, par la présente pétition demandons à l'Assemblée législative et au gouvernement d'appuyer les projets de loi du député Don Boudria qui permettraient aux petites épiceries indépendantes de vendre de la bière et du vin ontarien."

This petition is signed by another 56 people bringing the grand total to 11,768.

### SUMMER EMPLOYMENT

**Mr. Bradley:** On a point of privilege: You might be able to help me out with this, Mr. Speaker. It is hard to say, but I know you will listen.

It has come to my attention that in a number of different ministries—I do not know whether this affects the Speaker's office or not—long-term contract staff are being laid off and student workers are being brought in for the summer.

I am told that in the Ministry of Government Services, for instance, contract staff are not having contracts renewed at the end of this month, while at the same time these people are training summer students to perform some of their duties in the ministry.

As you would know, when government assistance is provided to the private sector companies to hire summer students one of the stipulations is that students must not displace regular salaried hourly or contract employees, since the intent is to create additional employment and not merely replace the current employees with summer students.

**Mr. Speaker:** Order.

**Mr. Bradley:** Here is the question I have of you.

**Mr. Speaker:** The point is that I have no way of knowing what government is or is not doing.

**Mr. Epp:** You should just listen to him.

**Mr. Speaker:** I did. I think it is unreasonable to expect the Speaker to respond or be aware of that.

**Mr. Bradley:** I thought you were going to be helpful.

**Mr. Speaker:** I can assure you my office is not one of them.

## MOTION

### SUMMER RECESS

Hon. Mr. Wells moved that when the House adjourns today it stands adjourned until October 9, 1984, provided that, if it appears to Mr. Speaker, on the advice of the government, that the public interest requires the House to meet at an earlier time during the adjournment, Mr. Speaker may give notice, and thereupon the House shall meet at the time stated in such notice; and that, should Mr. Speaker be unable to act, owing to illness or other cause, the Deputy Speaker or the Deputy Chairman of the committees of the whole House shall act in his stead for the purposes of this order.

**Mr. Speaker:** Are you all familiar with the motion?

**Mr. Nixon:** Mr. Speaker, I am familiar with the motion. You may recall that the question put by my leader earlier expressed a deep concern that the session we are just now adjourning for the summer has been singularly unproductive.

The House leader, in response to that question for the government, has indicated that the statement by the Premier (Mr. Davis) with regard to the funding of Catholic education was a landmark decision. I would hasten to agree with that. However, it had little or nothing to do with the work of the Legislature.

**3:20 p.m.**

The government House leader points with some pride to a lengthy list of bills that has been carried through the House. I am sure the Speaker, with his lengthy experience, would be aware that if that is supposed to be the legislative program of a modern government in a problem-ridden province such as Ontario, it is very ineffective indeed and a serious disappointment to the opposition.

The New Democratic Party leader indicated that he had objected to the date of coming back immediately after Thanksgiving as being too late. I recall he made such an objection. In the debates that have been going on concerning the Barrie-Vespra bill, I well recall the House leader of the NDP making it quite clear that in his opinion the time allotted for the discussion of estimates and so on is far more than can be accommodated before the usual Christmas recess.

It has been known on more than one occasion that the House leader of the NDP has indicated in a rather threatening way that because he and his colleagues were not treated in the House the way he felt they should be, somehow or other there

was going to be retribution. The best retribution the party has discovered is, I suppose, to prolong debate.

I must say that I and my colleagues have found that a useful parliamentary weapon on occasion, particularly when there are matters we want to bring forcefully to the attention of the Speaker, supporters of the government and, of course, the general public—at least those members we can persuade to listen to us.

Our aim here is to see that our view of the issues and our alternative, both in policy and individuals, are at least recognized by the populace of this province.

The leader of the Liberal Party indicated earlier in question period his real concern that the elected members of the Legislature have not had a good and sufficient opportunity to deal with the legislative program that we feel is effective. Because of that, we are moving an amendment to this motion put forward by the government House leader that would change the date of October 9, 1984, to September 4, 1984.

Interjections.

**Mr. Speaker:** Order. With the concurrence of the House, I will read the motion and the amendment.

Hon. Mr. Wells has moved that when the House adjourns today it stands adjourned until October 9, 1984, provided that, if it appears to Mr. Speaker, on the advice of the government, that the public interest requires the House to meet at an earlier time during the Adjournment, Mr. Speaker may give notice, and thereupon the House shall meet at the time stated in such notice; and that, should Mr. Speaker be unable to act, owing to illness or other cause, the Deputy Speaker or the Deputy Chairman of committees of the whole House shall act in his stead for the purposes of this order.

Mr. Nixon has moved that the motion be amended by changing the words "October 9" to "September 4."

We will deal first with the amendment to the motion.

**Hon. Mr. Wells:** Mr. Speaker, I would like to say a word on this. First of all, again there has been this general cloud cast by my friend, the House leader for the opposition, that this has been an unproductive session. If he and his members want to be cloaked in coming down here and not engaging in the business of this province, just coming down here and taking their money for a session that has not been productive, he is welcome to do that.

Interjections.

**Hon. Mr. Wells:** I do not know why my friend the member for Renfrew North (Mr. Conway) is standing, but he does not have the floor.

**Mr. Speaker:** Will the member for Renfrew North please resume his seat.

**Mr. Conway:** I was thinking about my friend the member for Muskoka (Mr. F. S. Miller) being in China.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** That is fine. The member knows he is there and he knows what he is doing there. He is working on the member's behalf to try to sell products from his constituency and all the others to the People's Republic of China.

**Mr. Boudria:** Not even the minister believes that.

**Hon. Mr. Wells:** Certainly I do.

I want to indicate that this session began on March 20, 1984, and it is likely to adjourn on June 27, a period of time that is fairly compatible, except for extraordinary circumstances, with the normal spring-summer session of this House. In this period, we have introduced 63 pieces of legislation. When today's session is concluded, 41 pieces of legislation, government bills, will have received royal assent. In that list of bills there are a number that affect various citizens of this province.

**Mr. Conway:** Read the whole list.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** All right, since my friend wants me to read the list, I will read the list.

Bill 1, An Act to amend the County Courts Act; Bill 4, An Act to amend the Wine Content Act; Bill 6, An Act to amend the Corporations Information Act; Bill 11, An Act to amend the Liquor Licence Act; Bill 12, An Act to amend the Ministry of Consumer and Commercial Relations Act; Bill 13, An Act to amend the Ombudsman Act; Bill 14, the Arboreal Emblem Act.

**Mr. Boudria:** All of those took about one afternoon.

**Hon. Mr. Wells:** All right, there are little bills, but there are also big bills.

Bill 18, An Act to amend the Justices of the Peace Act; Bill 100, An Act to revise and consolidate the Law respecting the Organization, Operation and Proceedings of Courts of Justice in Ontario.

**Mr. Boudria:** Those were dealt with in the winter.



**Hon. Mr. Wells:** That act was passed this session and it came up for debate this session, whether the member wanted to spend time debating it or not. I am talking about legislation passed this session, a session he is trying to say was unproductive. Whatever he says about debate, the fact remains that during this session that bill was passed and received royal assent.

My friend should know he should be—

**Mr. Boudria:** The work was done last winter in committee.

**Hon. Mr. Wells:** It does not matter whether the work was done last winter. The member said this was an unproductive session. If we had not met here this session, that bill would not now be law. Let us look at reality. I want to remind the member that was one of the bills passed this session.

Bill 122, An Act to revise the Architects Act; Bill 123, An Act to revise the Professional Engineers Act; Bill 27, An Act to amend the Healing Arts Radiation Protection Act; Bill 44, An Act to amend the Municipality of Metropolitan Toronto Act; Bill 5, An Act in respect of Extra-Provincial Corporations;

Bill 36, An Act to amend the Ministry of Energy Act; Bill 37, An Act to amend the Ontario Pensioners Property Tax Assistance Act; Bill 57, An Act to amend the Legislative Assembly Retirement Allowances Act; Bill 61, An Act to amend the Municipality of Metropolitan Toronto Act;

Bill 68, An Act respecting the Marketing of Grain Corn; Bill 69, An Act to amend the Live Stock and Live Stock Products Act; Bill 41, An Act to amend the Public Commercial Vehicles Act; Bill 45, An Act to amend the Highway Traffic Act; Bill 54, An Act to amend the Public Service Superannuation Act;

Bill 59, An Act to amend the Ontario Unconditional Grants Act; Bill 65, An Act respecting a Convention between Canada and the United Kingdom of Great Britain and Northern Ireland providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters; Bill 67, An Act to amend the Milk Act;

Bill 71, An Act to amend the Assessment Act; Bill 72, An Act to amend the Corporations Tax Act; Bill 73, An Act to amend the Small Business Development Corporations Act; Bill 28, An Act to provide for the Implementation of the Young Offenders Act (Canada); Bill 66, An Act respecting Conveyancing Documents and Procedures and the Recording of Title to Real Property;

Bill 74, An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund; Bill 75, An Act to amend the Labour Relations Act; Bill 88, An Act to amend the Financial Administration Act; Bill 99, An Act to amend the Workers' Compensation Act; Bill 104, An Act to amend the Farm Products Payments Act, and Bill 105, An Act to amend the Farm Products Grades and Sales Act.

**3:30 p.m.**

Then there were a number of private bills; and second reading and referral to committee of Bill 101, An Act to amend the Workers' Compensation Act, and Bill 77, An Act respecting the Protection and Well-being of Children and their Families, plus the bills that remain to be done today.

Some of these may not have created the controversy or stimulated the great discussions some of the members of this House wanted, but all those bills are the business of the people of this province. They needed to be passed. They have been passed and we are here doing that job. We are paid to do that job and we have carried out a legislative program.

In relation to that, we also had a debate on the speech from the throne. No-confidence motions from both parties were placed and lost, and this government gained the confidence of the House during that period.

This government presented a budget that has received universal approval around this province and one that no one has been able to argue with. Because we presented a budget that is universally accepted around Ontario, it is termed a boring budget and this session a boring session.

A number of bills will still be debated. There are a number of important bills on the order paper that will be debated in the fall. I might point out that in 1983, in the spring session, only 33 bills received royal assent. I am not going to name them today, but I will point out that this House really has been carrying out the duties and work for which it was elected. This government has been giving the leadership for which it was elected.

This has already been tabled and agreed to by the two other parties, both the official opposition and the third party. Starting on Tuesday, September 4, and for that week, the standing committee on social development, the select committee on the Ombudsman, the standing committee on procedural affairs and the standing committee on resources development are all beginning to work.



During September, in-depth work will be carried out on Bill 101, the Workers' Compensation Amendment Act. The social development committee has scheduled sessions on review of the Day Nurseries Act. There will be consideration of Bill 77, the Child and Family Services Act. There will be a review of Ontario Hydro by the standing committee on public accounts.

I will not read the whole schedule, but a full schedule of work has been laid out for September. There is also a schedule for July and August. It is not as lengthy as that laid out for September, but September has a full schedule of work for the members of this House.

For that reason, we cannot accept the amendment that has been brought forward. I think it has to be shown that this is just another little grandstanding play by the Liberal Party. They are always looking for some little, different twist when they realize these committees are going to meet—and they do not really want to come back on September 4.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Wells:** I would venture to say that if I had moved this motion for September 4, the official opposition would have stood up and moved that we come back October 9.

**Mr. Martel:** Mr. Speaker, I want to get involved in this little debate. I want to say to my friend the Liberal House leader that he has been skewered again by his colleagues. They have no respect for what he tries to do for them; they skewered him again today, and they did the same to the whip. The poor whip has had his come-uppance too. For sheer chutzpah, you guys take the cake.

Interjections.

**Mr. Martel:** I know where the enemy is; I will come to them. They want to play their silly little games. Let us put it on the record where they have been.

**Mr. Speaker:** If I may have the honourable member's attention, I would ask him just to sit down for one moment. Instead of addressing his remarks to—

**Mr. Martel:** I am speaking to the motion, which says that this House should come back—I want to speak to that. I am looking right at you out of the corner of my eye.

**Mr. Speaker:** No, you were not, really.

**Mr. Martel:** Mr. Speaker, I cannot believe what I have heard. When we talked at the House leaders' meeting about when we come back—

**Mr. Bradley:** Are you for the motion, Elie?

**Mr. Martel:** Yes, we are going to support the motion. But first, on principle—

Interjections.

**Mr. Speaker:** Order.

**Mr. Martel:** I will give it to them. Just wait; just let me continue. They might learn something if they would just control themselves.

When we started talking towards the end of May, as we usually do, about when the House would wind down, there were some people who wanted to get out of here when the Liberal convention started.

**Mr. R. F. Johnston:** Who?

**Mr. Martel:** I could name a party that wanted to get out then; I do not want to name it, though. I will not; I will just infer. Members might have their suspicions, but that was the position that was taken.

**Mr. Nixon:** You might imply, but we do the inferring.

**Mr. Martel:** All right, I will imply, they can infer; whatever you want. In plain English, they wanted out.

**Mr. Elston:** We did not.

**Mr. Martel:** Do not tell me you did not; I know what went on at those meetings, my friend. Were you there?

**Mr. Elston:** That is an error.

**Mr. Martel:** No, it is not an error, my friend. Do not play games with me.

In fact, the government House leader knows full well I argued that we could not get the business done by the time they wanted to get out. I also suggested we had better come back, at the latest, in mid-September, looking at the legislative program—all of which containing any substance, by the way, came in the last six weeks. I am going to get to the government.

My view of the rest, what we did in the first eight weeks, is that we might as well have stayed home. Members will recall my leader standing in this House and saying to the government: "If you want to adjourn for a while until you bring in your legislative program, we will do that. We will go about our business. When you are ready to do business, we will come back." We did nothing in the first eight weeks. Most of them over there contemplated their navels.

**Mr. Gillies:** What about Bill 141? You were very anxious to pass that one, were you not?

**Mr. Martel:** Are you taking your foot out of your mouth again, Phil?



Interjections.

**Mr. Speaker:** Order.

**Mr. Martel:** As a parliamentary assistant, go back and line your pocket.

**Mr. Speaker:** Order.

**Mr. Mackenzie:** Why do you not quit shooting from the lip?

**3:40 p.m.**

**Mr. Martel:** He is like Judy LaMarsh. He takes one foot out only long enough to put the other one in.

I tried to get the House to come back in mid-September so we could start to look at a variety of items.

**Mr. Nixon:** Mr. Speaker, on a point of order: Why is the House leader of the New Democratic Party gratuitously insulting one of the greatest politicians we have ever had in this country who is no longer living? Surely that is one of the most peculiar comments he has made in a long time, in a long list of peculiar comments.

**Mr. Martel:** If I were you, I would feel really badly for being skewered again.

**Mr. Speaker:** Address your remarks to the chair, please.

**Mr. Martel:** I know you are very sensitive as a result of the coup de grâce that has been served upon you by your colleagues.

**Mr. Speaker:** Back to the motion.

**Mr. Martel:** Let me continue, Mr. Speaker. September 15 is what I suggested. It was argued against. It was said: "No, we have lots of time. We could do it when we got back." If one looks at the order of business before us, it is impossible for us to do all of the business in the House unless we started to cut hours on estimates and so on come fall.

Let me get to the government. I listened to the government House leader provide us with a list of gobbledegook that he called legislation. There were one or two pieces of legislation that had any meaning. There were a lot of house-cleaning bills.

If that is called legislation and a legislative program, we are in serious trouble. If that is a legislative program, no wonder there was nothing for the unemployed this session, no wonder there has been nothing with respect to interest rates, no wonder there has been no pension reform, no wonder there has been nothing on women or family law reform, nothing on occupational health and safety and nothing on senior citizens. We had a lot of house-cleaning

legislation. If that is a legislative program, we really are in serious trouble.

In fact, things got so bad after the first month of doing nothing that some of us organized our own hearings so that we could at least do something useful. My friend the member for Scarborough West (Mr. R. F. Johnston) organized a poverty conference and travelled across the province because nothing was happening here. He will come out with a report shortly on poverty.

**Mr. R. F. Johnston:** Tomorrow.

**Mr. Martel:** I held hockey hearings because of the number of children, 27 youngsters, who have become quadriplegics in Canada in the last eight years. We have done nothing about it. We do not have the courage to.

My colleague brought in a report on technological change. We have technological change occurring that cries for leadership, that cries for pension reforms, so that we know what we are going to do with the people who are being replaced by machines. We did nothing. We did not even talk about it. We have 600,000-plus who are unemployed, some of them affected by technological change.

We go along regularly allowing one plant after another to shut down and create more unemployment because of technological change, but we did not bring a thing in to deal with technological change. Lay them off, put them on unemployment insurance and welfare and maybe when it gets bad enough we will do something about technological change and how we are going to retrain and re-employ people and provide jobs for them, or maybe reduce the age for pensions and so on. We did none of that. We had a legislative program which was house-cleaning.

We could have done most of it in three weeks. We did not even get around to doing estimates. I do not want to misinform the House. In the Legislature itself, we did Intergovernment Affairs, which took two days; Government Services, which took four hours; and the Office of the Lieutenant Governor and the Office of the Premier, which took less than five hours. Tell me about what we did.

We have massive unemployment, my own area having almost 17 per cent unemployed.

**Hon. Mr. Wells:** We spent a lot of time talking about Barrie-Vespra.

**Mr. Martel:** That was nine and a half hours. When did the government bring forward any substantive legislation before the budget, and the budget came down in late April?



They have no priorities. They have no program. As I say, they have been sitting there contemplating their navels, collectively, these past 10 or 11 weeks. What we have done we could have done in about two weeks.

**Hon. Mr. Wells:** What about Bill 141?

**Mr. Martel:** We are prepared to talk about 141.

**Mr. Speaker:** Speak to the motion, please.

**Mr. Martel:** When do they want to call it? The people in the media phoned me today.

**Mr. Speaker:** Order. Speak to the motion, please.

Interjections.

**Mr. Martel:** Mr. Speaker, you allowed him to speak on anything—nonsense.

**Mr. Speaker:** No, no. He was interjecting, and you know as well as I do that all interjections are out of order.

**Mr. Martel:** I did not interject when he was speaking.

**Mr. Speaker:** I know you did not.

**Mr. Martel:** He told all about what they were doing, the program for next fall, the program during the summer, and it amounted to a hill of beans.

What was I talking about before I was so rudely interrupted? Yes, Barrie-Vespra and Bill 141. Let me talk about 141. We offered to negotiate, but there was a section of Bill 141 we did not want. It is interesting that when I spoke to some of the people in the media today, they said "Do you know the Ministry of Labour is blaming the New Democratic Party for Bill 141 not getting through?"

I expected that. I asked the people in the media to go back to the number of days we considered legislation in this House. The Minister of Labour (Mr. Ramsay) cannot play the game and get away with it.

My friend the Minister of Consumer and Commercial Relations (Mr. Elgie) said, "We cannot get the Theatres Act through." There is a court ruling pending and we were going to consider legislation with a court ruling pending, not having looked at any of the regulations and with nothing in the bill that tells us what the government intends to do. We were supposed to do it blind, to accommodate the government.

I said to the media, "If you look at the number of Fridays and Mondays, which are not legislation days, on which we considered legislation, he would take that nonsense back and eat it." If one looks at the schedule for this House and the

procedures and rules, we consider legislation one day a week in this zoo, and there have been only 10 legislative days, legally, according to our procedure since we came back.

We have ignored estimates to consider legislation on Friday mornings and Monday afternoons in order to accomodate the government. The government started its legislative program, as lousy as it is, after June 1. Then they run around like a bunch of yahoos, trying to blame someone else. They were not prepared when they came back for this session. They did not have a legislative program in place and still do not, but they have to blame someone else. They are a disgrace. They think this place works—

**Hon. Mr. Gregory:** Come on now. You are getting overworked.

Interjections.

**Mr. Martel:** Never mind. Bring forward some legislation. As I said, I am prepared to support this motion because I was the one who tried to convince the government House leader and the Liberal House leader that we should be back by mid-September. I was the one who prevailed upon the House leader not to adjourn this House on June 13. They cannot have it both ways. They cannot go and tell the press it is us when they are negotiating to try to get out of the zoo.

**Mr. Barlow:** You are wasting time now. Let us get on and vote on it.

**Mr. Martel:** My friend the member for Cambridge (Mr. Barlow) says we are wasting time. We know what the order of business is for this afternoon. There is a vote that shows the heavy-handedness of government again, a vote that forces Vespra to watch its land being expropriated without compensation. They go around wanting it both ways, each of them running over and snuggling up to somebody from the press saying, "It is those socialists who are not letting us get our legislative programs through." They pass this around constantly.

3:50 p.m.

**Mr. R. F. Johnston:** Talk about snuggling up to the press. There is the snuggler.

Interjection.

**Mr. Martel:** Baloney. I know the Minister of Education (Miss Stephenson) well. She is just a pussycat and she knows it.

**Hon. Miss Stephenson:** Yes, I am. That is right.

**Mr. Speaker:** Order. Now for the motion.



**Mr. Martel:** We are going to support this.

**Mr. Piché:** Continue wasting time.

**Mr. Speaker:** Order.

**Mr. Martel:** I will not say what I was going to say to the member for Cochrane North (Mr. Piché).

**Mr. McClellan:** Tell us more about the snuggling up.

**Mr. R. F. Johnston:** What about the quality of participation some evenings?

**Mr. Martel:** I say to the member for Cochrane North that I do not come in here and weave to my seat and disrupt the House all the time. Last Monday and last Thursday—tell me about wasting the time of the House.

**Mr. R. F. Johnston:** Name an evening of the House it does not happen.

**Mr. Martel:** Tell me about it.

**Mr. Hodgson:** You are wasting it right now.

**Mr. Martel:** No, we have to vote. We are not going anywhere. It is his party's heavy-handed motion. We are prepared to sit.

As I conclude my remarks, I cannot help but admire the audacity of this group to my right that has been arguing to get out since June 13. The government House leader is prepared to accommodate them.

The government House leader gets up and talks about a legislative program. None of it is there. They have not done a thing to deal with any of the problems facing the society of Ontario. They can be listed: senior citizens, the unemployed, job creation, interest rates, pension reform, family law and occupational health and safety. What have they brought in except a few minor amendments here and there? For gall, they are as bad as that group to my right.

We will support the motion. I suspect it might not even be in order, but we are prepared to support it anyway.

**Mr. Riddell:** Mr. Speaker, I want to speak on the motion. I must say I do not know what the member for Sudbury East (Mr. Martel) speaks of when he implies that the Liberal Party expected to get out at the time of the federal Liberal convention. It is unknown to me.

**Mr. Martel:** Baloney. Maybe you should find out then.

**Mr. Riddell:** I do not miss caucus meetings. I can say in all seriousness I never once heard it suggested that the Liberal Party expected to get out at the time of the federal leadership convention. I do not ever recall that being said. I

do not know what the member for Sudbury East speaks of.

This House came back on March 20. The budget came down on May 15. In the meantime, absolutely nothing was done in this Legislature. We did not do estimates. No estimates were started until after the budget came down on May 15. There was very little legislation done. There was little legislation that was anything other than house-cleaning legislation.

**Hon. Mr. Wells:** You said there were no estimates. There were estimates done.

**Mr. Elston:** Very few.

**Mr. Speaker:** Order, please.

**Mr. Riddell:** I stand to be corrected if there were estimates done. I know I wanted to get at the Agriculture and Food estimates. I was told there would be no estimates done until the budget came down. If some estimates were done, there were very few.

**Hon. Mr. Wells:** That is your fault.

**Mr. Riddell:** I do not understand that.

**Mr. Speaker:** Never mind the interjections, please.

**Mr. Riddell:** The reason I wanted to start the Agriculture and Food estimates was that we are in a crisis as far as agriculture in this province is concerned. I had thought we might start the estimates and that with the dialogue we have in estimates we might be able to iron out some of the problems we are faced with in the agricultural industry. For some reason, the Agriculture and Food estimates were not going to start until after the—

**Hon. Mr. Wells:** It is the New Democratic Party, not you. The NDP does not want to start before the budget.

**Mr. Riddell:** I hold very little faith in the NDP. I would hope the government would not be governed in its programs by what the NDP tells it, or we are sure going to go astray for some time to come.

There are 438,000 people unemployed at the present time in Ontario, representing 9.4 per cent. There are 184,000 youths unemployed, representing 16.5 per cent. I maintain we still have work to do. I am not satisfied to go back home knowing these people are unemployed.

When I got up today on a point of privilege, I did it in all seriousness. I have been uptown and I have seen the line-ups for the soup kitchens. I read the articles in the Toronto Star and I was appalled to think that in Ontario of all places, the so-called bread-basket of Canada, and in



Metro Toronto, the so-called industrial heart of Ontario, thousands of people are starving. They cannot afford to buy food.

I am not about to question the articles that appeared in the newspaper. Apparently, some research has been done on it. Can members believe that in Ontario we actually have people who cannot afford to buy food? With the problems we have in this province, we are talking about getting out of this place and staying out until October 9? I do not think it is right.

Let us take a look at farm bankruptcies. In 1979, there were 64; in 1980, 122; in 1981, 140; in 1982, 176; and in 1983, 165. Never in the history of this province since the days of the Depression have we heard of so many farm bankruptcies. A large number of those bankruptcies are taking place right here in Ontario. Why? The reason is we have a government that is not committed to the agricultural industry of this province.

**Hon. Miss Stephenson:** Oh, balderdash. Absolute balderdash.

**Mr. Riddell:** I would tell the Minister of Education that we are one of the few provinces that will not support the red meat industry at a time when it is facing a crisis such as it has never faced before. We have put questions to the Minister of Agriculture and Food (Mr. Timbrell)—

**Mr. Speaker:** I would remind the member to get back to the amendment to the motion, please.

**Mr. Riddell:** Thank you, Mr. Speaker.

We have put questions to the Minister of Agriculture and Food on what he is going to do, in line with other provinces, to support the red meat industry of Ontario. He says, "I cannot do anything for the farmers of this province because it would appear to be bargaining in bad faith to the national stabilization program."

I talked to Ottawa yesterday. I was at a hospital board meeting in my riding last night and a number of farmers were on that board. The farmers came up and said: "Jack, what are we to do? We question very much whether the red meat plan, the bill for the national stabilization program, will be passed in the House of Commons before the end of June. We cannot rely on the national stabilization program on which this minister has been hanging his hat. Until we get a national stabilization program, why can this province not do what the other provinces have done and subsidize the 1983 production?"

I had hoped we would stay in this Legislature long enough to see what was going to happen in the House of Commons in connection with the

farm stabilization program. I hope if it does nothing, we could come back early so we could address the problems farmers are facing.

We simply cannot afford to let our farmers go out of business and lose our agricultural industry to other provinces such as Quebec and Alberta. Surely we have to make a greater commitment to agriculture in Ontario. We have to ensure this province remains the bread-basket of all Canada.

With our youth unemployment—young people who simply cannot see any future ahead of them whatsoever—and the farm problem, I maintain we have a lot of work to do yet in this Legislature. Since we have decided to adjourn at this time, I sincerely support the motion that we return early so we can address some of the major problems this province is facing.

**4:16 p.m.**

The House divided on Mr. Nixon's amendment to Hon. Mr. Wells motion, which was negated on the following vote:

#### Ayes

Allen, Boudria, Bradley, Breagh, Bryden, Charlton, Conway, Copps, Cunningham, Di Santo, Elston, Epp, Haggerty, Johnston, R. F., Lupusella, Mackenzie, McClellan, McKessock, Miller, G. I., Newman, Nixon, Peterson, Reed, J. A., Renwick, Riddell, Ruprecht, Ruston, Spensieri, Swart, Sweeney, Van Horne, Worton.

#### Nays

Ashe, Barlow, Bennett, Birch, Brandt, Cousens, Cureatz, Dean, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Henderson, Hennessy, Hodgson, Johnson, J. M., Jones, Kells, Kerr, Kolyn, Lane, Leluk, McCaffrey, McCague, McLean, McMurtry, McNeil, Mitchell, Norton, Piché Pollock;

Ramsay, Robinson, Rotenberg, Scrivener, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Treleaven, Walker, Watson, Wells, Yakabuski.

Ayes 32; nays 53.

**Mr. Speaker:** I declare the amendment to the motion lost. Is it the pleasure of the House the motion by Hon. Mr. Wells carry?

Motion agreed to.

### INTRODUCTION OF BILLS

#### EDUCATION AMENDMENT ACT

Hon. Miss Stephenson moved, seconded by Hon. Mr. Wells, first reading of Bill 119, An Act to amend the Education Act.



Motion agreed to.

**Hon. Miss Stephenson:** Mr. Speaker, members of the House will recall that on December 15, 1983, I introduced Bill 157, An Act to amend the Education Act. That bill, which died on the order paper, contained a number of amendments concerning a variety of matters in the Education Act. Most important, it contained provisions to implement a government proposal of March 23, 1983, to extend to French-speaking peoples the right to receive their education in the French language regardless of numbers.

In August 1983 the Lieutenant Governor in Council directed four questions to the Court of Appeal under the Constitutional Questions Act. Since these questions pertained in part to the current French-language provisions of the Education Act, it was felt that Bill 157 should not be reintroduced until such time as the court's decision on the referral was available to us. As members will be aware, that decision was released yesterday, June 26, 1984.

The French-language education provisions of Bill 157 have been altered to ensure they are in harmony with the Constitution Act, 1982, and with the court's opinion on the questions referred to it. They are being introduced to the House at this time in this revised form. The further aspects of French-language education, particularly the issue of governance, have been under study by my ministry for some time and require further consideration and consultation.

This further consideration and consultation will take place over the summer months, and following that the government will introduce legislation concerning these items in time for the municipal and school board elections of 1985. This bill is a significant indication, I believe, of the government's intention to ensure the provision of enhanced opportunities for the young people of this province to receive their education in the French language.

I would be deeply remiss if I did not draw to the attention of the members of this House the fact that the staff of the Ministry of Education and the staff of legislative counsel have worked diligently over the last 24 hours to ensure that the bill which is reintroduced today is in conformity with the decisions of the court and with the Constitution of Canada. I think we should express to my staff, and particularly to the staff of legislative counsel, our gratitude for their diligence in carrying out that work.

**Mr. Cassidy:** On a point of order, Mr. Speaker: I have only just had a chance to—

**Mr. Speaker:** Order. I am sorry. I think we should recognize the official opposition first and then we will go in rotation.

**Mr. Cassidy:** We think of ourselves as the official opposition.

**Mr. Speaker:** I did not realize he was rising on the same point of order.

**Mr. Boudria:** I can only say to my colleague on the left, "Keep thinking."

On a point of order, Mr. Speaker: I think you will admit these are very unusual circumstances for the introduction of this bill today. Can we be permitted on this occasion, with the agreement of all sides of the House, to make some remarks? We will not be addressing this matter for a number of months, and I am sure members of this House will be agreeable if we take a few brief moments for that purpose.

**Mr. Speaker:** I must point out that is not in order and not debatable. The standing orders do not provide for it.

**Mr. Cassidy:** On a point of order, Mr. Speaker: That has certainly been the case on previous occasions with important legislation. Prior to question period today, the point was raised both by the member for Prescott-Russell (Mr. Boudria) and by me that we wished to have some opportunity at least to comment on this. We regretted the fact it was not possible in question period because the minister chose not to make a statement at that time.

I hope unanimous consent can be given for a short statement by a representative of the two opposition parties, prior to going on to other business.

**Hon. Mr. Wells:** Mr. Speaker, we do not have any problem with granting consent, provided the members remember we are operating under a time allocation motion today which calls for a vote on third reading of Bill 142 at 5:45 p.m.

**Mr. Speaker:** Do we have unanimous consent?

Agreed to.

**Mr. Epp:** On a point of order, Mr. Speaker: I hope there will be a few minutes left for us to make a few comments on third reading of Bill 142. I have no opposition to this, but I do hope we are going to have a few minutes for that.

**Mr. Speaker:** That is the pleasure of the House.

**Mr. Haggerty:** Mr. Speaker, you called for bills and I have a bill to present.

**Mr. Speaker:** No, not yet. We will get to that.



**Mr. Boudria:** Mr. Speaker, I do not want to delay unduly the agenda of the House. I recognize we have other things to discuss this afternoon. My purpose in saying a few words in the Legislature at this time is certainly not to delay the other legislation waiting on our agenda for this afternoon.

I do want to take a few minutes to address the issue before us, recognizing that this bill was introduced in very unusual circumstances. It is unusual in the fact that the decision from the court came down yesterday and unusual in the fact that, because it was such a historical and landmark decision, the Minister of Education (Miss Stephenson) in her wisdom today did not see fit to address the House at the proper time for ministerial statements prior to the introduction of this bill.

She could have done that today and given all members of the assembly, particularly members on the opposition side, the benefit of proceeding with the questioning of ministerial policy subsequent to the statement that should have been forthcoming according to most people on this side of the House. I think deep down in her own mind the minister would have felt more comfortable had she chosen that avenue.

It is fair to conclude that once again today we have witnessed an unusual procedure. On several occasions we have seen government ministers stand up and make a long-winded statement to the effect they will be introducing a very minor bill. We have seen a minister introduce an amendment to some sort of car dealers' insurance and speak to it for 10 or 15 minutes prior to question period, boring the members of this Legislative Assembly.

**4:30 p.m.**

Today we had a very important issue and while all the television cameras were there from the English-speaking television stations, the Minister of Education chose to sit on her hands in her place and not say a word in this House to that effect.

This is known by all people, especially Franco-Ontarians, as the back door policy of the government. This government has become famous for this policy, choosing to tell the francophones of this province one story and the anglophones a different one.

I said to a member of the press last year while being interviewed on this topic that the government spends half its time telling the francophones that it is doing what it is not doing, and the rest of the time telling the anglophones that it is not doing what it is doing.

They have confused everybody in this province. They have been totally inconsistent to such a point that even other provincial jurisdictions in this country fail to recognize the services that are being provided already.

**Hon. Miss Stephenson:** It is because they will not open their eyes and look. You mislead them; that is why.

**Mr. Boudria:** The reason is the government has failed to tell everybody the same story. If the minister would be more forthcoming and tell everyone the same story all the time, so everyone would know where she and her government stand on different policies in this province, then everybody would know. The government of Quebec would know that services are being provided. The francophones would know what services are available. The minister always chooses, as we saw today with only the French camera left in this Legislature—

**Mr. Piché:** Mr. Speaker, on a point of order: As a francophone in the Legislative Assembly, I find it sad to hear the comments from the member for Prescott-Russell. We are creating history today. He should be talking in favour of the bill and making comments that are important to what we are dealing with today in this bill. I think it is a sad day for the kind of comments he is bringing in front of the House.

**Mr. Boudria:** Mr. Speaker, it is interesting to hear the way the member for Cochrane North (Mr. Piché) describes the bill as being historic. The Minister of Education did not even see fit to speak about it during statements. That explains the controversy I was speaking about prior to being interrupted by the member for Cochrane North.

I do not think the bill in itself is nearly as significant as the decision of the courts yesterday. There is far from being unanimity in this province as to how to resolve the many Franco-Ontarian educational issues that we have at hand.

Needless to say, the bill the minister has introduced does not deal effectively with the problems of the Languages of Instruction Commission of Ontario. The policy not to proceed any further down that avenue and give quasi-judicial status to that body was decided by the minister. I reluctantly accept that, although in the future, when we get into further debate on this bill, I intend to propose the necessary amendments to improve the bill that way.

I have gone on for five minutes which is all I promised I would take, although I have a lot more to say on the Franco-Ontarian education issue,



and most of all on the means and methods that this government uses whenever it chooses to dispense services to francophones.

There is one marked exception and that is the Attorney General (Mr. McMurtry). When he introduces legislation, he says the same thing to everybody. Why does the minister not have a little talk with him and learn to be that way. It would be far better for her and the rest of the members across the floor. The Attorney General does it the right way. He calls it the way it is. He tells the anglophones and francophones the same story.

**Mr. Cassidy:** Mr. Speaker, I want to comment a bit on this. I am grateful to the members of the House for the opportunity to say a few words because I think that yesterday's judgement of the Court of Appeal was very much an historic one. It gives, for the first time, judicial support for the concept of Franco-Ontarian educational rights, making more concrete the meaning of the Charter of Rights and Freedoms, section 23, and its guarantee not just of French-language instruction but also French-language facilities.

**Mr. Conway:** This is your last speech, if I am not mistaken.

**Mr. Cassidy:** As my colleague, the member for Renfrew North (Mr. Conway), has pointed out, unless unforeseen circumstances occur, this is the last opportunity I will have to speak in this Legislature. Before commenting briefly on the proposed law the minister has brought forward, I would just like simply to say briefly that it has been a privilege for me to have been a member of this Legislature for the last twelve and a half years, to have had the opportunity to serve with people.

I hope we have maintained friendships, even though from time to time we have disagreed about specific priorities, legislation and that kind of thing. I will certainly look back on this period as an important part of my life. My regret, if any, is that the one job I tried to and did not get was the chair of the Premier (Mr. Davis). I guess I can dream about that. I did not quite make it. I had the opportunity to have many other responsibilities within this chamber, and I am certainly grateful both to my own colleagues within the New Democratic Party and also to friends and colleagues of all three parties.

With respect to the specific legislation, I am disappointed that the minister did not think it important enough to comment on prior to the question period. I think I am also disappointed that more was not done in order to think through all of the significance of the Court of Appeal's

ruling, although I recognize that officials of the ministry have laboured very hard overnight in order to make one change to this particular bill. I certainly trust the government will not appeal the ruling. I cannot conceive how anybody else who was involved would think of appealing it.

However, the only change which has been made, from my brief opportunity to look at the bill, has been in the definition of a French-speaking person, which is contained in the charter and which is broader than the reference to a French-speaking pupil in the Education Act. Possibly the change has been made so the Education Act will in future conform to the charter, and a child who may happen not be French-speaking but born of French parents or parents educated in the French language in this province will be able to be qualified for French-language primary or secondary school instruction.

My concern goes back almost to the day I became a member in this House. It is over the fact that the bill as put forward is unfortunately not historic in terms of its ability to resolve the immediate and pressing problems we have with young people who now either have no access to secondary school French-language instruction or who are stuck in bilingual schools where only a modest portion of the instruction is available in French.

Having visited Mattawa and Iroquois Falls, I know of the anguish in those communities among parents and children alike who have been trying for many years to implement the minister's commitment to have a French-language entity in those two places. There is ample evidence of the desire of a large portion of the communities for that.

However, there is no legislative guideline given in order to ensure that the right to have a French-language entity or French-language school is something that can be realized in a community like that. People in those communities therefore effectively come under the adverse decisions of the English-speaking majority in those two areas, although in the case of Iroquois Falls there was some support from a portion of the French-language population.

The bill does not speak to the need for a legislative guideline with respect to the provision of a French-language facility. That means a French-language school or a French-language entity. That is what I spoke to in my question to the minister today.

It seems to me that with the generous and positive step, which I welcome and which my



party welcomes, in assuring French-language students that they will have the right to education in French, we could surely also resolve the need and the desirability for French-language facilities and a French-language environment.

The thinking of the Court of Appeal is really very clear in its judgement. To conclude, I will read a few excerpts or abstracts or paraphrases of the argument.

**4:40 p.m.**

First, they confirm the right to minority language facilities where numbers warrant. The charter is quite explicit about this.

Next, they spend a fair amount of time defining what the facilities are, and a facility is a school or perhaps an entity; it is not just a classroom. It is a place where you can have a French-language educational environment and it is more than just having a few classes in French.

Next, the Court of Appeal quite clearly indicates that the school board's discretion, as it exists now and as it would exist in the proposed law we have today, concerning whether the numbers warrant the provision of a French-language school or entity is unconstitutional; that is quite clear from the judgement. I am not a lawyer, but I have had 13 years' experience in dealing with laws in the province and in dealing with legal judgements.

Next, the Court of Appeal states, "Any limitation placed on minority language education rights cannot be left to the unfettered discretion of existing school boards, no matter how well-meaning and competent those boards may be."

I know when we come to debate this question the government will argue that if there is a dispute between a French-language advisory committee or a French-language community and the board, the matter will go to the Languages of Instruction Commission of Ontario and eventually will come to the minister; the minister will then have binding power to resolve the dispute. However, no change has been made to ensure that there are guidelines according to which the minister is required to act.

In other words, the minister, according to the proposed bill that we have now, has "unfettered discretion" to decide how French-language minority education rights will be determined. She could, therefore, make a decision that in Iroquois Falls, despite all the things the charter says, she is not prepared to insist that those rights be given and that those students can have a French-language entity.

It seems to me that if a school board should not be given unfettered discretion to decide what French-language education rights are, then surely the same thing should apply to the minister, however well-meaning. Since the government's statement of policy does not indicate that even today it is prepared to guarantee access to French-language facilities, entities or schools, we still have a situation of unconstitutionality.

Next, the court reports favourably the United States constitutional test that requires that legislation should "set reasonably clear and specific standards in circumstances where the grant of an unfettered discretion leads to arbitrary, discriminatory or otherwise unconstitutional restrictions upon guaranteed rights."

The court reports the doctrine called "void for vagueness," according to which a state or federal statute in the United States can become void if it is vague. Unfortunately, when it comes to the people in Iroquois Falls or Mattawa, this proposed piece of legislation is vague and would therefore be determined constitutionally, I suggest, to be void.

I hope the minister's advisers look at that point over the course of the summer, because what the Court of Appeal clearly seems to be saying is that the failure to set statutory guidelines for the establishment of French-language schools or entities is in fact inconsistent with the charter.

I would just say, in perhaps my final words in this Legislature, and in repeating my thanks to you, Mr. Speaker, to your predecessors in the chair and to all members here, I hope as a longtime resident of this province that perhaps over the summer the government will look seriously and temperately at these issues, as I have tried to speak to them for the last few minutes.

I hope that ensuing from this study over the course of the summer not only will be an adequate scheme for governance acceptable to Franco-Ontarians and livable as far as the school boards are concerned, but also that steps can be taken to make sure that Franco-Ontarian students in places like Iroquois Falls and Mattawa will have the right to schools not just enshrined in the Charter of Rights but also as a reality.

Pour terminer, M. le Président, je tiens à remercier tous les députés de tous les partis pour leur coopération et pour le privilège et l'opportunité pour moi d'avoir été présent ici comme député depuis 1971. J'espère avoir la chance de continuer à servir comme un député dans un autre parlement.



Comme je viens de dire en anglais, j'espère qu'au cours de l'été le gouvernement va étudier très prochainement et profondément l'excellent et historique jugement de la Cour d'appel, qui vient d'être émis hier; et que le gouvernement sera prêt à faire encore des ajustements et des changements dans le projet de loi qui vient d'être déposé aujourd'hui pour assurer pleinement et entièrement que le projet de loi et la législation de la province de l'Ontario s'accordent entièrement avec l'excellent jugement de la Cour d'appel et donnent entièrement les droits éducationnels pour lesquels la communauté franco-ontarienne a lutté depuis tant d'années.

#### MUNICIPAL AMENDMENT ACT

**Mr. Cureatz** moved, seconded by Mr. Jones, first reading of Bill 120, An Act to amend the Municipal Act.

Motion agreed to.

**Mr. Cureatz:** Mr. Speaker, this bill would authorize municipalities to pass bylaws requiring the installation and use of specified security devices in shops that are open between 10 p.m. and 5 a.m.

#### MINISTRY OF HEALTH AMENDMENT ACT

**Ms. Copps** moved, seconded by Mr. Conway, first reading of Bill 121, An Act to amend the Ministry of Health Act.

Motion agreed to.

**Ms. Copps:** Mr. Speaker, this bill deals with the issue of the distribution of breast-milk substitutes in our public hospitals. It is certainly a step in the right direction for preventive health care in Ontario.

#### BEDS OF NAVIGABLE WATERS AMENDMENT ACT

**Mr. Haggerty** moved, seconded by Mr. Newman, first reading of Bill 124, An Act to amend the Beds of Navigable Waters Act.

Motion agreed to.

**Mr. Haggerty:** Mr. Speaker, this bill would establish the high-water mark as the boundary of property described in a crown grant as being bounded by the navigable waters to provide a uniform interpretation in such cases.

#### TRIBUTE TO MEMBER

**Mr. Conway:** Mr. Speaker, I do not mean to prolong events, but I did take note of the comments made by one of our colleagues, the former leader of the New Democratic Party, who, given the normal course of events, will

probably be leaving this assembly today not to return, since he has indicated an interest elsewhere.

I think it would be right and proper for this House to take note of the very significant contribution the member for Ottawa Centre (Mr. Cassidy) has made, not only in his capacity as a former private member but also as a past leader of the New Democratic Party. I think it is fair to say that while we have not always warmed to the member for Ottawa Centre and have not often or always agreed with him, he has made a significant contribution.

**4:50 p.m.**

I well remember in my first months here back in 1975, when the issues of landlord and tenant relationships were extremely important and much before the assembly, the member did a very splendid job in arguing his case and carrying his side. He should be noted as one member who is certainly vigorous in the prosecution of his case.

I wish him well in the political challenge that awaits him in those precincts known as the federal electoral district of Ottawa Centre.

**Hon. Mr. Wells:** Mr. Speaker, I would like to add the sentiments from this side of the House to our colleague who, it is assumed, is moving on to other places, be they higher or lower. His contributions in this House have certainly always been heard. He has spoken up well and presented his cases both as leader of the New Democratic Party and as the member for Ottawa Centre.

Particularly in my role as minister responsible for French-language services, I have appreciated the forthright way he has put forward his point of view on these matters. We may not always have agreed, but I have always respected his point of view and the forceful way he has put it forward. Any member who can survive in this House for more than one term and, as he has done, for a number of years, makes a contribution.

We wish him well in the new contributions he will make to public life in this country.

**Mr. McClellan:** Mr. Speaker, I would like to express a few thoughts on behalf of my own colleagues as the member for Ottawa Centre moves on to new endeavours. The member has proved beyond a shadow of a doubt that it is possible for a back-bench member, even of an assembly such as this, to have an impact on government policy and programs.

That impact sometimes even exceeds the impact cabinet ministers may have on the course of government. I am talking in particular about the work the member did almost single-handedly



in the early 1970s to bring the issue of landlord and tenant reform before the public of this province.

Even more important, the issue of rent control was very much the single-minded obsession of the member for Ottawa Centre. It was something he forced on this party, something he forced first and foremost in the policy corridors of the New Democratic Party. He was the member who spoke up most insistently and persistently for a program of rent control, made that battle the battle of this party and forced the government of Ontario to bring in rent control in 1975.

He has also been a champion of the rights of the francophone minority in Ontario. No matter what the future may hold for him, it is true to say he has earned the gratitude of all the citizens of this province for the work he has done in championing the rights of the francophone community in this province and in prodding and moving this government forward as a result of his persistence and his courageous stands, very often against the flow of public opinion on that matter.

I am most proud to have been associated with him in the battle to protect and safeguard our medicare program. Members will recall that during the course of his leadership of this party between 1978 and 1982, the issue of the erosion of medicare and the need to restore universality was at the very forefront of his leadership. It is a testimony to the power, from time to time, of members of the opposition and leaders in the opposition not only to influence public opinion but also to inspire governments to take action.

We now have a Canada Health Act that has banned extra billing, if only this province will accede to it. I dare say the federal government would not have taken the initiative it did if it had not been for the four years of hard work and slogging in these trenches by the member for Ottawa Centre on behalf of the principles of universality in our medicare program.

On behalf of my colleagues, I wish the member well as he embarks on a new career. We are confident the voters of the riding of Ottawa Centre will continue to honour him with their support.

**Mr. Speaker:** I was just going to point out that the honourable member was a member of the illustrious class of 1971.

## ORDERS OF THE DAY

### COMMITTEE SCHEDULE

Hon. Mr. Wells moved, seconded by Hon. Mr. Elgie, resolution 9.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

### COMMITTEE MEMBERSHIP

Hon. Mr. Wells moved, seconded by Hon. Mr. Elgie, resolution 10.

Reading dispensed with [see Votes and Proceedings].

**Mr. Speaker:** Hon. Mr. Wells moves that the foregoing motion be amended by striking out Mr. Piché under the select committee on the Ombudsman and substituting Mr. Sheppard therefor.

Is it the pleasure of the House that the amendment carry?

Motion agreed to.

**Mr. Speaker:** Is it the pleasure of the House that the main motion carry?

Motion agreed to.

### THIRD READINGS

The following bills were given third reading on motion:

Bill 62, An Act to amend the Employment Standards Act.

Bill 84, An Act to amend the Executive Council Act.

Bill 85, An Act to amend the Legislative Assembly Act.

### BARRIE-VESPRA ANNEXATION ACT

Mr. Rotenberg on behalf of Hon. Mr. Bennett, moved third reading of Bill 142, An Act respecting the City of Barrie and the Township of Vespra.

**Mr. Breaugh:** Mr. Speaker, on a point of order: I served notice that I wanted to move a motion on third reading of the bill. I seek your direction as to when I should move that motion.

**Mr. Speaker:** When you stand up to speak.

**Mr. Rotenberg:** Mr. Speaker, I felt I should speak now in moving the motion because if the track record of the past few days is any indication, if I wait until it is my turn again time will have run out.

I have listened to more than nine hours of conversation and unnecessary talk from the members opposite about this bill. The member for Oshawa (Mr. Breaugh) in particular asked a number of rhetorical questions about this bill. He really did not want answers. Had he wanted answers, he would have proceeded in the normal course in the committee of the whole House.



**5 p.m.**

In the normal course in committee of the whole House, there is a certain amount of informality back and forth. The members opposite raise points and the minister or the parliamentary assistant who is dealing with the bill answers the points. At the time the member for Oshawa raised the questions, he kept insisting that no one answered his questions and at the same time he refused to allow anybody to stand up and answer them. He kept the floor and went on and on, repeating the same points, many of them three or four times, over and over again. We know many of the points he made are not valid.

In my opinion, much of his presentation was simply not in accordance with the facts. In his nine hours of delay of this bill, he has not helped the people or the council of Vespra. To put it as mildly as I can—and not to be provocative—on many occasions the member for Oshawa has been impolite to members on this side of the House. On many occasions he has been impolite to me, and that is the mildest word I can use. He has also been impolite to people who are not here and cannot defend themselves.

As we found out yesterday, although the member for Oshawa is very good at dishing out these impolite remarks, he is certainly not able to take them. For that reason, I will be kind of gentle with him because I do not want him to get all fussed and mussed as he did yesterday when I simply used the same word on him as he used on me.

As I say, I will not reply in his impolite type of language, but in these remarks I simply want to indicate to this House why this bill should be read a third time today, because it certainly should be.

The member for Oshawa has asked, and I know he has an amendment, that the bill not be read a third time today. The main point he made a number of times was that it should not be read because there has been a lack of negotiation on financial matters.

The record on this matter is clear. The minister gave most of it the other night. I have said before here in committee of the whole, during the committee hearings in January and a number of times outside, that there have been no negotiations on financial matters for one reason and for only one reason.

That is because the council of Vespra and their officials have refused flatly over and over again to come to the table, to participate in any negotiations, let alone unmeaningful negotiations. This is the truth. The member for Oshawa refuses to listen to or accept the truth. There is no

question that is the truth. The reason there has been no financial negotiation is simply that Vespra refused to participate in any negotiations. The record on it is clear. As I say, the minister gave a good deal of the record the other night in this House.

At the opening of the committee hearings in January—

**Mr. McClellan:** He went to the same charm school as the parliamentary assistant.

**Mr. Rotenberg:** If that is the best the members opposite can do, I think they should be quiet. At least if the member is going to heckle, he should do it with something meaningful and with something with a little bit of wit and intelligence. He does not do it with wit; he just does it with half wit.

As I said at the January 12 meeting—and I said it publicly and on the record—if the Vespra council wishes, negotiations on financial matters with the province may commence immediately.

I said that publicly a number of times during the committee session. I spoke to the Vespra officials privately and their lawyer on many occasions during those hearings. I offered public or private meetings, meetings without prejudice, meetings on any reasonable rules they might suggest and meetings with any persons they might suggest. I did not ask them to meet with me. They could have met with the minister, myself, officials of the ministry, with any person they wanted to choose to have meaningful negotiations. They refused continually and constantly.

Let us just check what was said in the committee, and I think probably it was brought out best by the member for Cornwall (Mr. Samis), who is certainly not a government member but a member of the opposition. He understood and accepted what was going on. As I say, the member for Cornwall conducted himself at those hearings and did his committee work properly, and he accepted the positions and really went after the truth. This is what happened at these meetings, and I quote from Hansard:

“Mr. Samis: If the bill were withdrawn”—by the way, he is questioning Mr. Beaman, the lawyer for Vespra, who had made a suggestion—“the one problem I have is, what is there to negotiate? At one stage you made a statement that you are adamantly opposed to any alteration in existing boundaries, and your suggestion was to withdraw the bill to the next century, which I can understand. But I am trying to understand, if there is a local problem from your perspective, is there anything to negotiate?”



That is the question from the member for Cornwall.

"Mr. Beaman: With the bill there, there is no way to negotiate."

"Mr. Samis: I understand that.

"Mr. Beaman: If the bill was not there, if you withdraw the bill, I am not going to negotiate.

"Mr. Samis: This is my point.

"Mr. Beaman: If you withdraw the bill, though, and provide a cooling-off period and tell everybody to go back to square one and tell them to go away, then all that stuff will eventually die, memories will change and business will be back to normal."

He goes on: "The only way to have fruitful negotiation, in my view, is to have a cooling-off period of five or 10 years and tell everybody to go away. There is no rush."

That word on negotiations is the official position as presented to the committee by the lawyer and the spokesman for Vespra. Despite what has been said in this House, there can be no question that the intention of Vespra, at least at that time, was to have no negotiations for at least a five-year period, bill or no bill.

Then the member for Oshawa says to us: "Well, there is all kinds of talent in your ministry. Why do you ministry people not get things moving?" We tried. The ministry officials tried. Our staff contacted Vespra during and after the committee meetings. Vespra simply did not want to talk.

After the committee hearings, we tried to contact Vespra to see if there was any way we could have negotiations on a staff level. It proved totally impossible. So, in March, the local member for Simcoe Centre (Mr. G. W. Taylor)—the Solicitor General is the local member—made an effort to do something to get things started. Phone calls and a request to meet had got us nowhere. The Solicitor General quite properly, as the local member, called a public meeting and asked all the parties to come.

Yes, Vespra did show up, but Vespra would not talk. They said, and I quote, "They would listen without prejudice, but would not comment." Someone alleges that that action by Vespra was negotiation. That is just simply not so.

The meeting on March 21, called by the Solicitor General, was not successful, to put it mildly. It was not successful for one reason: one party simply would not talk. They would not even talk about how they might talk. We tried again. We asked, with notice, our assistant deputy minister, Mr. Eric Fleming, who is in

charge of municipal affairs, to go to see them and have some private chats.

He went to visit the county, the city of Barrie and the township of Vespra separately. He had some reasonable discussions with the county and he made a lot of progress. The compensation of the county has not yet been settled, but at least there have been discussions. Figures have been put on the table and figures have been verified. Once this bill is passed, I am sure the negotiations with the county and Barrie will proceed quite well and to a very happy conclusion.

Our assistant deputy minister also visited Vespra. He talked with the clerk administrator, Mr. Tofts, for some three quarters of an hour. He explained that in order to arrive at compensation, in order to arrive at an initial figure of what compensation might be, we required some confirmation of the assessment figures, some indication of their point of view of the impact on cost of servicing. There was no reaction. The clerk listened but said nothing.

Mr. Fleming asked, "May I leave these figures with you?" These were the figures on assessment. The clerk's answer was that he was unable to accept any figures. He said he had not been authorized by his council to discuss costs. That, to me, certainly does not indicate in any way that at any time Vespra was willing to negotiate. So we tried again, having been rebuffed all of these times and having been publicly and privately told by Vespra, "No negotiations, period."

Members will recall—and it is in the record—that several years ago at one stage Vespra wrote to the ministry and said, "Any future correspondence and dealing should be done through our solicitor." As I was looking over the record some time in April and came across that, I thought, "Well, let us try a different tack."

I picked up the phone and called the solicitor for Vespra, Mr. Beaman, who was before our committee. I asked him, "Is there any way we could get some kind of negotiations started? The bill is now before the House and will be coming up soon. Is there any way we can do something to get negotiations started before the bill goes into the House and back to committee of the whole?"

**5:10 p.m.**

I again offered, on behalf of the ministry, negotiations with whomever they chose, in any forum they chose, public or private, open or not open, with prejudice or without prejudice, with any reasonable rules they selected. We were prepared to sit down and negotiate—the minister, myself, our staff or whoever. It would be up to them, in effect, to set the ground rules, not even



to negotiate, but just to discuss how we might negotiate to negotiate, to discuss some form of ground rules on how we might initiate discussions.

The lawyer's answer to me was, "I have no instructions," which was quite correct for him. I said to him, "I understand you have no instructions, but I am asking you, in the interest of trying to get something done, to call your council and see if you can get some instructions." I heard nothing further.

**The Deputy Speaker:** I remind the member that debate on third reading is only to deal with reasons the bill should be read a third time.

**Mr. Rotenberg:** I understand that, Mr. Speaker. The reason I am putting this on the record is that the contention of the opposition has been and will be that it should not be read a third time, that we should postpone third reading so there can be some negotiations. That is the reason they say it should not be read a third time. Because of the clock, I will not have time to reply, so I am replying in advance because the member for Oshawa has made this argument three or four times.

**Mr. Riddell:** Mr. Speaker, I am trying to understand what I am hearing. I am wondering if the parliamentary assistant could enunciate a little more slowly and a little more clearly, so I can understand what it is he is saying.

**Mr. Rotenberg:** I apologize to the member. I will do my best, but I am trying to leave some time for the other members, although at least one member does not deserve any more time.

**Mr. Epp:** Mr. Speaker, the parliamentary assistant is trying to clarify the government's position. I appreciate that, but to save time and for the consumption of the public, can he give more substantial reasons? If a particular municipality is going to be raped of 2,000 acres, why should it give in to that kind of rape without putting up some kind of opposition—

**The Deputy Speaker:** Order. The member is totally out of order. I remind members, in the closing moments of this debate, that we have had considerable debate, as all members well recall. We have had committee, second reading and we almost had a second second reading. Let us be clearly reminded that we are guided by our rules not to use insulting or abusive language which incites the reaction we have just had. The member for Wilson Heights is quite in order with his debate, provided he remembers the purpose of third reading. That is my only reminder.

**Mr. Rotenberg:** The member for Oshawa indicated we should not have third reading because, in somewhat impolite language, he questioned my ability as a negotiator and said I should not be negotiating this. In no way have I been a negotiator in the matter, for the simple reason that Vespra would never allow negotiations to take place. If we did have negotiations, I would not necessarily be the negotiator. I would be only if I were acceptable to those parties, because we do not force ourselves on anybody. The point is we are not negotiators, we are mediators, because the settlement, the compensation, does not come from the government. The basic compensation to Vespra comes from Barrie. It is Barrie that will pay this compensation.

It would be irresponsible for us as members of the government to put on the table a figure pulled out of a hat without knowing on what basis Vespra wanted compensation and on what basis Vespra made its claim. We are not asking Vespra to put out its final position, and we never did. We are not even asking Vespra to put out its initial position. All we asked from Vespra, in order to start the process of mediation, was that it simply confirm some assessment figures we had and deliver to us its initial figures on which it would base its claim, not the claim itself. We did not get it.

Vespra, perhaps a little tongue in cheek, put out a figure. They said they wanted \$10 million in compensation. If they got \$10 million in compensation and put it in the bank at today's interest rate, they would get about \$1.2 million in interest alone. The taxes levied by Vespra in 1983 were \$540,000. Giving them even a 12 per cent increase this year, that would be about \$605,000 for 1984. If they got the \$10 million in compensation, which they asked for, they would have \$1.2 million coming in. Without levying a dime of taxes, they would have almost a \$600,000 surplus. They would have a negative tax rate. Boy, would people be moving into Vespra. Would people moving in thick and fast not kill it as a rural township?

Despite that, maybe even if the \$10 million was tongue in cheek, we are quite prepared to say, "If that is your starting figure, come in and tell us how you justify it and we will start from there." But the officials will not do that.

The member for Oshawa indicated we should not resist having third reading today because he said there had been no sincere effort by the government to settle financial problems. Nothing could be further from the truth. Vespra has



rejected every and all efforts to come in and talk to us.

This is a political decision by the Vespra council. The council got elected as we got elected. We do our job as we see it and the council does its job as it sees it. It is not responsible to this Legislature for not negotiating. That is a decision the council made, and that is a decision it will be answerable for to its electorate in about a year and change from now. Its electorate may or may not endorse the council.

It is a political decision. I do not agree with it, but I cannot criticize Vespra council if it made that decision in good faith and for what it feels was the best interests of its residents, even though I disagree and believe it was not in its best interests.

Then, out of a hat, yesterday I think it was, the member for Oshawa said Vespra will now negotiate, if we ask it to. He said we should hold over the bill because now, at the 11th hour and the 11th minute, Vespra will negotiate with us if we ask it to do so. In my opinion, that is simply not true.

Last Friday, after we adjourned at one o'clock, I was out in the corridor and met the lawyer from Vespra. This was on Friday before we brought in the time allocation motion. I asked him, even at that late date, while we were into this process, if there was any way we could sit down and talk, even over last weekend. I said we were willing, even at this late date, to try to get something going, to try to get something on the table and diffuse some of what is going on, to try to get some financial negotiation started. I said we were willing to do all of this.

I asked him if he would relay this message to the council of Vespra because, as we were talking, several councillors went by and said, "We will see you at lunch in a few minutes." I assume he relayed the message. I do not know, but no response came back. Even as late as last Friday, there was no movement whatsoever by Vespra to negotiate.

Had there been any indication between January and June from Vespra that it would sit down and talk as the county had done, had there been any indication that it would operate as every other municipality in this province has done and sit down and at least talk about it—not agreeing, but sit down and talk about the numbers—we would have bent over backwards, we would have gone through hoops to try to accommodate Vespra, to try to have some form of negotiation, to try to have something happen so we could

report to the House, as we would have liked to, on what would be a possible financial deal.

Yes, we might have delayed this debate if we saw there was something happening, if there was a possible or probable negotiation. But through all of this, Vespra would not move one inch; it would not budge. On the basis of possible negotiations over the summer, there is actually no value in delaying this bill. Nothing will happen if we delay third reading except that we would delay third reading.

There are some other alleged reasons the member for Oshawa wants this bill delayed and wants to delay third reading. I will deal with them briefly.

The member for Oshawa has continuously brought up the name of one of the lawyers in the firm of Goodman and Goodman. He seems to be trying to tell us that because of the application of Goodman and Goodman to have the zoning order lifted, that is the cause of all of Vespra's trouble. These poor, innocent lambs from Vespra are being fleeced because of this application. There is some innuendo about some wrongdoing, which I reject totally.

Let us look at the record. Let us get the record straight. Let us look at some of the facts the member for Oshawa did not tell us when he brought that up.

It is with regard to the application by the law firm of Goodman and Goodman, not by Eddie Goodman but by one of the other persons in his firm who specialized in municipal law. I really reject the insinuation that because one member of the law firm is active in politics, other members of that firm cannot deal in municipal matters. Be that as it may, the application by that law firm did not come to Barrie, it did not come to the province.

**5:20 p.m.**

The application was made to the township of Vespra. The township of Vespra is very proud of the fact it not only approved that application, it was approved in a short period of six weeks. The member for Oshawa is making all kinds of noise about the fact there were no public hearings. Public hearings on matters of municipal zoning of municipal buildings, we all know, are held by the local council.

Vespra, for whatever reason—I am not criticizing it for this—passed the approval of the shopping centre and the request to remove the zoning order without any public hearings. If there is any problem about these bad men called Goodman, the problem rests with the Vespra council; they were the people who passed it.



The member for Oshawa should not come to us and say there is something improper about this, that all Vespra's problems come from that application, when it is Vespra council that passed the application.

Much has been made of the 100-odd townships that support Vespra's position. We are well aware of them. The member for Oshawa said, because I made some remark about the fact that all the letters were the same: "I was impressed by the correspondence that I received from any one of them. It seems to me they understood the plight of the township of Vespra and what the argument was all about." I agree with that to a point, because anybody who read the article in *Municipal World*, which really was totally inaccurate and totally failed to give the facts of the case—

**Mr. Bradley:** Do not pick on the press.

**Mr. Rotenberg:** I am not picking on the press. *Municipal World* printed an article written by the clerk-administrator of Vespra. If the member had read the article in *Municipal World*—

**Mr. Riddell:** Are you not a bit hypocritical suggesting the member for Oshawa was filibustering? What are you doing?

**The Deputy Speaker:** Order.

**Mr. Epp:** Mr. Speaker, on a point of order: It is highly unjustifiable and completely surprising to me that the member for Wilson Heights would accuse *Municipal World* and its editor, Mr. Michael Smither, of printing material that is completely inaccurate and completely unaccountable to the people of Vespra.

**The Deputy Speaker:** Order. The member is out of order. Please take your seat. I am on my feet; you know the rules.

**Mr. Bradley:** I have never known *Municipal World* to be wrong.

**The Deputy Speaker:** Order. The member for Waterloo North (Mr. Epp) can make his point when his time comes.

**Mr. Epp:** He owes *Municipal World* an apology.

**Mr. Riddell:** How long are you going to let the parliamentary assistant go on?

**The Deputy Speaker:** Order. How long has this debate gone on? I am sure there is going to be another opportunity.

**Mr. Rotenberg:** *Municipal World* printed a signed article. I am not accusing *Municipal World*, but, as I say, it was not accurate. It printed it because it was an opinion. The point I am trying to make is that 100 townships read that

article without hearing the other side of the story. They had some indication that Vespra needed support and they supported it.

But the point is—because, as the member for Oshawa says, the townships considered this, and the townships' councils know what they are doing—that some 400 other rural townships, which also read that article, also were asked by Vespra for support and also looked at the facts and chose not to support Vespra. Any time I can get a four-to-one vote, any time I get 80 per cent on my side and only 20 per cent on their side, I know we have done the right thing.

**Mr. Riddell:** The other townships said your legislation is dictatorial, undemocratic—

**The Deputy Speaker:** Order, the member for Huron-Middlesex.

**Mr. Rotenberg:** That was 20 per cent of the councils; 20 per cent said that and 80 per cent agreed with what we did.

Vespra complains about its financial position, that we should not do this because we are putting Vespra in a poor financial position. I would just point out that after the annexation takes place Vespra will still be in the top 25 per cent of townships as far as assessment of the population is concerned.

The member for Oshawa said we should not have third reading today because we did not listen to the people. I sat through all those hearings too. He particularly mentioned the Partridge farm and Mrs. Smith, who I believe is the daughter. They came to us and said: "Your boundary is cutting our farm in half. We want to continue farming; we do not want to be a part of this annexation."

That is true. But what the member for Oshawa did not tell members is that, having listened to those arguments, we changed the boundary. We left that farm; we did not divide it. We left that farm and all the good agricultural land in Vespra township. So we did listen to the people, and the idea that we did not listen to them is just sheer nonsense.

The allegation has been made that we should not do this because the courts have overruled the Ontario Municipal Board. We just want to make it plain that on two occasions, the Ontario Municipal Board decided on the merits of the annexation that lands should be annexed by Barrie from Vespra. In dealing with this, the Supreme Court at no time dealt with the merits of this, but simply dealt with procedure. The first and most important time was the procedure between Barrie and Innisfil, and Vespra simply got a free ride.



Finally, in one of the earlier decisions, the member for Waterloo North said we should have—

**Mr. Epp:** Mr. Speaker, I resent that for the people of Vespra. To accuse them of getting a free ride on this whole issue is a bunch of crap and the parliamentary assistant knows it. This is ridiculous. The representatives from Vespra are not here and they cannot defend themselves. However, for him to get up in this Legislature and tell the Legislature those people got a free ride is a bunch of crap and he should withdraw it.

**The Deputy Speaker:** Order. The member should withdraw that kind of language because it does nothing.

**An hon. member:** I do not think it is in the book.

**The Deputy Speaker:** I am telling the member. Let us not let this debate deteriorate any further. The parliamentary assistant has the floor. He is proceeding to make the debate as to why this bill should not move to third reading. With all due respect to the member for Waterloo North, he is quite within his rights. I will watch him carefully as to any insulting language from him or other members.

**Mr. Breagh:** Mr. Speaker, on a brief point of order: I think you are quite right. I think the member is making an argument as to why this bill should not proceed now and we should not have third reading this afternoon. It would be in order if I could put my motion.

**The Deputy Speaker:** The member for Wilson Heights is debating why the bill ought to go forward to third reading.

**Mr. Breagh:** I am just trying to be helpful.

**Mr. Rotenberg:** Mr. Speaker, in response to the non point of order from the member for Waterloo North, when the matter went to the Supreme Court in 1977, I believe, Innisfil took it to the Supreme Court. Innisfil paid all the costs. Vespra gained from it, but did not pay for it. I was not being insulting to them. I am simply saying they got the benefit of that court decision without being part of it and without paying for it. Good luck to them. I commend them for being able to get a favourable decision from the court without having to pay for it.

There is one other point I want to make because the member for Waterloo North, in an earlier debate, indicated we should not read this bill a third time because Vespra and Barrie do not get along. He pointed to his own municipality and said that because Kitchener and Waterloo get along so well, why cannot Barrie and Vespra get

along in the same way? I really doubt that he wants Barrie and Vespra to get along in the same way Kitchener and Waterloo do. I doubt he wants Barrie and Vespra to become part of a regional government, as he has in his area.

I have tried to deal with some of the major points that have been raised in that long brief outline and those long brief introductory remarks by the member for Oshawa, and some of the points raised by the member for Waterloo North. As I said, the main point was they wanted this held over because there are no negotiations.

Yesterday, the member for Oshawa said if it were held over the summer and there were no negotiations, he would vote for it in the fall, but he hoped there would be. I say to all members of this House that, if it were held over the summer, the track record has shown there would be absolutely no negotiations. It would simply be a stalling tactic on behalf of someone.

For all these reasons, I suggest there is no reason why we should delay third reading and third reading should go forward today.

**Mr. Epp:** Mr. Speaker, I appreciate the opportunity to be able to speak on this bill at third reading. My colleagues and I on this side of the House opposed this bill right from the day it was announced. To start at square one with the bill, let me go back for a moment and try to deal with some of the matters and points that the parliamentary assistant has raised.

Let me start with the last one first. He tries to suggest that, when I suggested in the Legislature that Vespra and Barrie could live together side by side as Waterloo and Kitchener have lived side by side for many years, the only reason Waterloo and Kitchener can live side by side is because they live in the context of regional government.

**5:30 p.m.**

To clarify that, I must give the parliamentary assistant a little historical perspective. Regional government came in about 1972. Kitchener and Waterloo had been twin cities for many decades before that. For him to suggest they are only living together comfortably and amiably due to regional government is something a little less than distortion of the facts. I am not saying he is distorting them because the Speaker would ask me to withdraw it. I would not say it. However, the parliamentary assistant borders on that boundary.

The parliamentary assistant referred to the 104 municipalities that supported Vespra in its attempt not to be raped of 2,000 acres. He suggested Vespra should negotiate the amount of rape it is going to entertain. I do not blame



Vespra for not negotiating that. I question the morals and ethics of any person who is susceptible to negotiating something like that. For the parliamentary assistant to question Vespra's integrity on this is completely out of hand. I do not blame Vespra for opposing the province in this regard.

I am not faulting Barrie for trying to go through the courts and through the Ontario Municipal Board to get land, but for the province to take such a partisan stand on this important issue is highly questionable. The parliamentary assistant tried to draw an analogy from the fact that 104 municipalities opposed the annexation. He says that means 400 or so other small municipalities are in agreement with Bill 142 because they have not sent in a support letter. If that analogy is something that the provincial government wants to accept, it should be applied on a provincial basis.

During the last provincial election in 1981, there was a 58 per cent turnout in Ontario. Of that 58 per cent, and I could be out a percentage point, the present arrogant Progressive Conservative government—and I see people applauding when I say “arrogant”—received 45 or 46 per cent. So 46 per cent of 58 per cent of the province gives the government less than 28 per cent of the total vote of the province.

**Mr. Rotenberg:** You had less than 20.

**Mr. Epp:** Just a moment. By the analogy the parliamentary assistant suggested, the present government has about 27 per cent of the support of the electorate in Ontario, and that means 73 per cent oppose the government and, therefore, it should resign.

**Mr. Rotenberg:** But 85 per cent opposed you. That is why you are where you are, in the opposition.

**Mr. Epp:** I ask my dear friend how wrong can he be. That is just another example of how opposed he is.

**Mr. Rotenberg:** I am using your logic.

**Mr. Epp:** I am making an analogy from what you are suggesting. They did not oppose me; I was elected.

The parliamentary assistant cites the examples that were before the OMB. He keeps on citing the fact that the OMB supported the annexation. First of all, the OMB supported the annexation of only about 320 acres initially. I see the parliamentary assistant is leaving; he cannot bear the truth.

Second, the OMB on one occasion said it was going to have a dual hearing. The first stage of

that hearing was going to deal with a number of legal and technical matters and the second phase was to deal with the merits of the annexation. I wish the parliamentary assistant, in all fairness, would tell the Legislature what happened. He was not fair with the members when he alluded to those two hearings.

The OMB said, first, it was going to deal with the legal and technical matters and, second, it was going to deal with the merits of the annexation. What did the OMB do? It dealt with the first phase and gave a ruling on the second phase, on the merits of the annexation, without hearing the people of Vespra and their representatives and without hearing the representatives of Barrie or anyone dealing with that issue.

Subsequently, the OMB gave a ruling in favour of Barrie without ever having listened to the merits of annexation. Vespra, in fairness and only to protect itself, had to go to the Divisional Court.

The courts have been fair in this respect. That is why the government keeps knocking the courts, saying they are not dealing with the thing they are supposed to deal with. No wonder they threw out the Ontario Municipal Board ruling. It had not dealt with the merits; therefore, Barrie had to start over again with respect to annexation procedures. The Divisional Court ruled against the ruling of the Ontario Municipal Board because they had not dealt with the merits as they promised the people at the OMB level they would. Why did the parliamentary assistant not tell the Legislature that?

**Mr. Rotenberg:** I wanted to leave some time for you to speak.

**The Deputy Speaker:** The member is making the debate on why third reading should not go forth.

**Mr. Epp:** Third reading should not go forth for another reason. If we are going to have any kind of local autonomy in Ontario, if we are going to do more than give lip service to small and large municipalities, then some attention should be paid to what is happening locally.

They had a referendum in Vespra. If I recall, it was about 94 per cent or more in favour of not being annexed, in favour of not having anything to do with Barrie, in favour of not giving up any amount of acreage to the city of Barrie. Again, I am not faulting Barrie for wanting this, but you cannot be a small municipality in this province, trying to believe the parliamentary assistant and the minister, without trying to listen to what they say and determine whether their actions follow what they say.



As far as local autonomy is concerned, the government consistently talks about it but does very little to support it. Bill 142 is another example of the lack of respect the province has for municipalities, small and large, and the lack of respect it has for local autonomy.

The parliamentary assistant addressed the matter of financial negotiations. A few days ago when the minister moved to bring in closure, he indicated very strongly that the provincial government has tried to negotiate. The parliamentary assistant spent 15 or 20 minutes going through a series of steps and telling us they were trying to negotiate.

I have to disagree completely with respect to the sincerity with which the provincial government tried to negotiate. Apparently, we are not making any impact on the government. I wish that sometimes we could, simply because of the arrogant majority the government has on its side of the House. A David and Goliath situation is picked, and with a \$25-billion budget, 2,000 acres is taken from small Vespra township.

I do not see that with a big city. I do not see a lot of land being taken from the cities of Toronto, Hamilton, Kitchener, Windsor, London or Ottawa, where the minister comes from. That has to be negotiated. If it is not negotiated, it goes through the Municipal Boundary Negotiations Act or nothing happens. Both parties have to agree with it.

Since Vespra township is small, the government can pick on it and not feel there is a big political loss. It is an example of being a bully about the whole thing. Small Vespra township tried to defend itself before the OMB and failed for a number of reasons; then it succeeded before the Divisional Court. Then the government in its wisdom feels that because Vespra won before the courts, it will lose before the Legislature.

The government uses its arrogant majority to pounce on Vespra and take away up to 45 per cent of its total assessment, up to 90 per cent of its commercial-industrial assessment. I do not think that is fair with any municipality. It certainly is not fair with Vespra township.

**5:40 p.m.**

The other point the parliamentary assistant raised has to do with the fact that he says Vespra township has refused flatly. I do not think it flatly refused; there was never anything put on the table.

I see the Minister of Municipal Affairs and Housing (Mr. Bennett) is here. I want to welcome him to the Legislature. He is very seldom here. It is good to see him in the

Legislature during the debate on this bill. He was not in committee for three weeks.

The fact is the parliamentary assistant indicated that Vespra flatly refused to negotiate. It never flatly refused because there was never anything to negotiate. The minister never put anything on the table, so how could the township negotiate anything?

When he did want to negotiate, he met at Georgian College of Applied Arts and Technology on March 21. There were about 30 to 40 people there, and again nothing was put on the table. Vespra came out and made the statement that it would be there without prejudice, but before it had a chance to declare it was going to be there without prejudice, the government, in its good graces and anxiety to try to get something resolved, could have put something on the table. It could have said, "We are going to give you \$1 million," or "We will start with a half a million dollars," something of that nature.

Interjections.

**Mr. Epp:** What is he going to give the county?

**Mr. Speaker:** Order.

**Mr. Epp:** Sorry, he is speaking.

**Mr. Speaker:** Never mind the interjections. Carry on please.

**Mr. Haggerty:** The county would get the same as Vespra; nothing.

**Mr. Speaker:** Order. The member for Waterloo North has the floor.

**Mr. Epp:** Mr. Speaker, the minister keeps interrupting me. You can appreciate the fact that I want to make these points, but he is very sensitive about these things. He keeps on arguing that the government has not put anything forth and we keep saying he should. He keeps saying he cannot, he should not, he will not and so forth.

I think it is important, particularly in this kind of situation where we have the provincial government on one side and small Vespra township on the other side, that some kind of overture be put forth by the government. After all, the government put forth the bill. It wants to take away the land. It wants to deprive Vespra township of all that assessment. It wants to make Vespra almost impotent as far as a small municipality is concerned.

I think, in some kind of small concession at least, the minister could have had a meeting. He did not hesitate to have a meeting in his office when he wanted to bring in this bill. The members of Vespra council and of Barrie council were there. I do not know how many. I think the reeve of Vespra was there and the mayor of



Barrie was there, as well as some other representatives. The warden, Mr. Whiteside, was there.

The minister was able to bring them into his office when he wanted to announce he was going to bring in this bill, but when the situation arose as far as negotiations were concerned, he tells us and he wants us to believe that he was unable to do anything. Yet, when he announced the bill, Vespra was there.

I am sure, in all fairness, if, during this period from last December until now, he had asked the reeve of Vespra and some other representatives, some representatives of Barrie and the county, to come to his office again to discuss something, they would have been there. Yet he never found time to be able to do that.

I find it difficult to believe that he sincerely wanted to be able to negotiate.

We have in this Legislature a bill that tramples on the rights of a small municipality. The fundamental rights of a municipality, in this case Vespra township, a township of the province of Ontario, are being taken away by a government that has an arrogant majority with 71 members. If this were a minority situation, that would not arise—

**Mr. Speaker:** Order. Your time has expired.

**Mr. Epp:** Mr. Speaker, it is not a quarter to six yet.

**Mr. Speaker:** Yes, it is, with all respect. In fact, it is 15 seconds past.

**Mr. Epp:** Let me finish my sentence.

**Mr. Speaker:** Order. No.

**5:55 p.m.**

The House divided on Hon. Mr. Bennett's motion, which was agreed to on the following vote:

#### Ayes

Andrewes, Ashe, Barlow, Bennett, Birch, Brandt, Cousens, Davis, Dean, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Henderson, Hennessy, Hodgson, Johnson, J. M., Jones, Kells, Kennedy, Kerr, Kolyn, Lane, Leluk, McCaffrey, McCague, McLean, McMurtry, McNeil, Mitchell, Norton;

Piché, Pollock, Pope, Ramsay, Robinson, Rotenberg, Scrivener, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Treleaven, Walker, Welch, Wells, Wiseman, Yakabuski.

#### Nays

Allen, Boudria, Bradley, Breaugh, Bryden, Cassidy, Charlton, Conway, Copps, Cuning-

ham, Di Santo, Elston, Epp, Haggerty, Johnston, R. F., Kerrio, Lupusella, Mackenzie, Martel, McClellan, McKessock, Newman, Nixon, Reed, J. A., Renwick, Riddell, Ruprecht, Ruston, Spensieri, Swart, Van Horne, Worton.

Ayes 56; nays 32.

#### ROYAL ASSENT

**Mr. Speaker:** May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

**Assistant Clerk:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 62, An Act to amend the Employments Standards Act;

Bill 66, An Act respecting Conveyancing Documents and Procedures and Recording of Title to Real Property;

Bill 74, An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund;

Bill 75, An Act to amend the Labour Relations Act;

Bill 84, An Act to amend the Executive Council Act;

Bill 85, An Act to amend the Legislative Assembly Act;

Bill 88, An Act to amend the Financial Administration Act;

Bill 99, An Act to amend the Workers' Compensation Act;

Bill 104, An Act to amend the Farm Products Payments Act;

Bill 105, An Act to amend the Farm Products Grades and Sales Act;

Bill 142, An Act respecting the City of Barrie and the Township of Vespra;

Bill Pr22, An Act respecting the Ontario Association of Certified Engineering Technicians and Technologists.

**Clerk of the House:** In her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

Interjections.

**Ms. Copps:** I will tell you what my intentions are when Howard tells me what his intentions are.

**Mr. Martel:** I want to know if his intentions are honourable.

**Mr. Piché:** Sheila, do not go home tonight.

**Mr. Gillies:** Sheila, are you fishing for problems?

**Mr. Speaker:** I am not sure whether I should let this continue.

**Hon. Mr. Wells:** Mr. Speaker, I wish everybody a happy summer as they go fishing and pursue other summer endeavours.

The House adjourned at 6:08 p.m.



## APPENDIX A

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## STATUS OF RURAL WOMEN

**408. Ms. Copps:** Would the minister advise the House as follows:

1. What is the total cost of the Women in Rural Life—The Changing Scene conference to be held on June 21?

2. What is the cost to (a) the Ministry of Agriculture and Food, and (b) to all other ministries and government agencies?

3. What is the cost of bringing Adrienne Clarkson to the conference, and what are her transportation costs and expenses?

4. How many employees of the government worked directly on affirmative action, (a) in 1983, and (b) in 1984? How many worked specifically to recruit private companies into the program in each year?

5. How much money was spent in furnishing the new offices of the women's directorate? Specifically how much was money was spent on (a) drapes, (b) carpets, (c) furniture, and (d) other?

6. What was the cost of the directorate's book and film competition?

7. What is the cost of the "open doors" program?

8. What was the total cost of (a) the reception to celebrate the 20th anniversary of the women's bureau, and (b) the reception to launch the "open doors" program? [Tabled May 29, 1984]

**Hon. Mr. Welch:** 1. The total cost of the Women in Rural Life—The Changing Scene conference to be held on June 21 cannot be ascertained until we have a final number of registrants and until the conference is completed.

2. Based on 300 registrants, total cost should not exceed \$18,000; (a) \$12,000 of which will be assumed by OMAF, and (b) \$6,000 by the women's directorate.

3. The cost of having Adrienne Clarkson address the conference will be her transportation to and from downtown Toronto to the Constellation Hotel, Rexdale.

4. (a) In 1983, 69 full-time and 27 part-time employees of the government worked directly on affirmative action; (b) in 1984 (as of June 8, 1984) 61 full-time and 27 part-time employees of the government worked directly on affirmative action. In 1983, five employees of the government worked specifically to recruit private

companies into the program. To May 1984, five staff in the Ontario women's directorate are working to recruit private companies into the program.

5. The sum of \$84,612 was spent furnishing the new offices for the more than 50 employees of the Ontario women's directorate: (a) \$2,770 was spent on drapes; (b) \$14,700 was spent on flooring and carpet; (c) \$65,142 was spent on furniture: \$49,884 on office equipment including desks, chairs, tables, bookcases, etc.; \$12,710 on furniture such as storage cabinets and shelving; \$2,588 on interior accessories; (d) \$2,000 was spent on office supplies.

6. The competition was held at no cost with the assistance of an advisory board of judges. Estimated costs for the book/film to be produced will be in the \$120,000 to \$140,000 range.

7. It has been estimated that the Open Doors program will cost \$125,000 during 1984-85. Final estimates cannot be known until late fall 1984.

8. (a) The total cost of the reception to celebrate the 20th anniversary of the women's bureau was \$2,000; (b) The total cost of the reception to launch the Open Doors program was \$2,600.

## MEDICAL TRANSPORTATION

**411. Mr. Foulds:** Would the Minister of Health table all of the documents and information that form the basis for the figures of \$60 million to \$75 million that the ministry used in the Legislature on Tuesday, May 29, as the estimated cost for incorporating as a fully insured service under the Ontario hospital insurance plan the cost of medically necessary travel, as determined by a qualified physician, in excess of 200 miles as was approved by the Legislature by the passage of resolution 16 by a vote of 52 to 17, on May 10, 1984? [Tabled June 1, 1984]

**Hon. Mr. Norton:** The above question was answered by the Minister of Health on May 29 and recorded in Hansard.

## AULT FOODS

**413. Mr. Riddell:** Would the Minister of Agriculture and Food please table all correspondence between the ministry and Ault Foods Ltd., Steven Ault and other government ministries concerning the awarding of a \$500,000 grant to



Ault Foods in December 1983? [Tabled June 8, 1984]

**Hon. Mr. Timbrell:** In March 1983, representatives of Ault Foods raised the matter of the acceptability of a grant for the demineralization project with Dr. J. Meiser, director, dairy inspection branch. This grant was contingent upon Ault's obtaining a firm contractual commitment with a purchaser for the product resulting from this demineralization project.

This formal commitment was negotiated through the summer of 1983. On October 6, 1983, a formal application, attached, was forwarded to Dr. Meiser.

This application was reviewed by the Whey Processing Committee and subsequently forwarded to BILD for their consideration. Only in the event of the Whey Processing Committee turning the application down would there have been further correspondence back to Ault Foods from Dr. Meiser.

On December 6, 1983, Ault Foods was verbally advised of its eligibility for a grant up to \$500,000. At the same time, Ault Foods accepted this level of funding. Once the project is complete and Ault Foods meets all the requirements for the program, such as ensuring all equipment is installed in accordance with the laws and regulations of Ontario and that all costs are verified through an audit, a final cheque with covering correspondence will be sent to Ault Foods.

#### SOCIAL ASSISTANCE REVIEW BOARD

**414. Mr. R. F. Johnston:** Would the ministry inform the House what sums are paid in (a) per diems and (b) expenses to each of the members, including each of the vice-chairmen, of the Social Assistance Review Board during the fiscal year 1983-84? What sum was paid in (a) salary and (b) expenses to the chairman of that board? [Tabled June 11, 1984]

**Hon. Mr. Drea:** The budget of the Social Assistance Review Board appears in the ministry's estimates under vote 3101, item 9. Specific information on these items is always available during consideration of the ministry's estimates in committee.

The remuneration paid to board members and vice-chairmen varies according to their periodic appearances at hearings. There are 24 regular board members. The per diem is \$125. There are four vice-chairmen. The per diem is \$140.

The salary of the chairman of the board is listed in the Public Accounts of Ontario, volume III, under ministry salaries. The chairman,

vice-chairmen and board members are reimbursed for expenses according to the government Manual of Administration.

#### COST OF PUBLICATION

**415. Ms. Copps:** Would the ministry advise the House as follows:

- (a) What was the total cost of the preparation and printing of Footpaths to Freeways?
- (b) What was the cost of printing, layout and design?
- (c) How many copies were printed?
- (d) What was the cost of distribution?
- (e) What were the total salaries paid out for preparation of this booklet?
- (f) To which ministry or ministries were all of the above costs charged?
- (g) Were the costs included in the bicentennial budget? [Tabled June 12, 1984]

**Hon. Mr. Snow:** (a) The total preparation and printing costs consist of \$33,000 for layout, printing and design and uncalculated internal staff costs. The text was prepared by information officers, as time permitted, over a six-month period.

(b) The cost of layout, printing and design is \$33,000 (re quote—no bill yet).

(c) A total of 20,000 copies was printed.

(d) Distribution to libraries, including university, public school, separate school and high school libraries, will be carried out by Ministry of Transportation and Communications staff as part of the packages routinely mailed out each year.

Other distribution is by handout at country fairs and MTC displays. We also mail copies on request.

This booklet will be used as an informational handout as long as supplies last.

(e) With regard to salary cost, the text was prepared by information officers as part of their regular jobs as time permitted over a six-month period.

The number of man-hours was never calculated.

The majority of artwork and photos was supplied by ministry archives.

(f) MTC's public and safety information branch paid the total cost.

(g) The costs were included in MTC's public and safety information branch budget.

#### ADMINISTRATION EXPENDITURES

**419 to 503. Mr. Philip:** Will the Premier and all other ministers provide for the year 1983-84 a breakdown of the main office expenditures?



which is exactly comparable to that employed by the Office of the Assembly to record expenditures on members' accommodation, legislative automobile travel, constituency automobile travel, individual air travel between residences and the Legislature, family trips between residences and the legislature, rail travel, bus travel, northern air travel, assembly travel and the total of the above expenditures? [Tabled June 25, 1984]

**505. Mr. Swart:** Will the ministry provide for the Provincial Secretariat for Social Development for the year 1983-84 a breakdown of the main office expenditures which is exactly comparable to that employed by the Office of the Assembly to record expenditures on members' accommodation and travel expenses, so that main office expenditures by and on ministers and parliamentary assistants are given for: accommodation, legislative automobile travel, constituency automobile travel, individual air travel between residences and the Legislature, family trips between residences and the Legislature, rail travel, bus travel, northern air travel, assembly travel, and the total of the above expenditures? [Tabled June 27, 1984]

**506. Mr. Swart:** Will the ministry provide for the Provincial Secretariat for Social Development for the year 1983-84 a breakdown of the main office expenditures which is exactly comparable to that employed by the Office of the Assembly to record expenditures on members' legislative office expenses, so that main office expenditures by and on ministers and parliamentary assistants are given for: printing and stationery, mailing, long-distance telephone calls, translation, other, and the total of the above expenditures? [Tabled June 27, 1984]

**507. Mr. Swart:** Will the ministry provide for the Provincial Secretariat for Social Development for the year 1983-84 the expenditure on the following items of transportation which were incurred for each minister and parliamentary assistant, purchase or lease of ministerial cars, maintenance of such vehicles, gasoline and oil for such vehicles, chauffeurs' salaries, chauffeurs' travelling expenses, miscellaneous ministerial car costs, and the total of the above expenditures? [Tabled June 27, 1984]

**Hon. Mr. McCague:** The queriers are asked to refer to the answer tabled on April 18, 1984, in response to questions 2 to 88, 118 to 146 and 176 to 233. In that reply the government outlined a number of factors to be considered in approaching the matter of written questions.

It should be noted that 507 questions have been placed during the first 15 weeks of this session. More questions were placed during that time than were placed during each of 16 of the last 17 complete sessions of the Legislature.

Given the subject matter of the questions under discussion, the observations contained in the response dated April 18, 1984, continue to reflect the views of the government in this regard. It is submitted that the matters raised by questions 419 to 503 and 505 to 507 fall within the intended scope of the estimates process.

### INTERIM ANSWERS

**295 to 299. Mr. Grande:** Hon. Mr. McCague—Answers to these questions will be provided on or about December 31, 1984.

**334. Mr. Cooke:** Hon. Mr. McCague—The answer to this question will be provided on or about December 31, 1984.

**416 to 418. Mr. Peterson et al:** Hon. Mr. McCague—The answer to this question will be provided on or about December 31, 1984.

**504. Mr. Charlton:** Hon. Mr. McCague—The answer to this question will be provided on or about December 31, 1984.

### RESPONSES TO PETITIONS

#### FAMILY BENEFITS ASSISTANCE

Sessional paper 122

Re: Regulation 424/82 (sec. 5(b)) of the Family Benefits Act

("not living as a single person").

**Hon. Mr. Drea:** The regulation in question has been incorrectly cited in the petition. It is properly referred to as clause 5(b) of regulation 318 of the Revised Regulations of Ontario.

The ministry finds paragraph 1 of the petition to be in error.

First, the ministry does not "harass" applicants or recipients of family benefits. The ministry has clear policy and procedural guidelines that ensure fair, unbiased and nondiscriminatory treatment of all recipients. If the petitioners have specific cases of alleged harassment, they should bring them to the attention of the area manager of the ministry who will have them investigated.

Second, the ministry's interpretation of clause 5(b) is not "arbitrary," but rather relies on judicial interpretation provided by the Ontario Court of Appeal.

The ministry finds the second paragraph of the petition to be in error.

First, reference to "the man in the house" implies that the regulation only applies to single



mothers living with a man. The fact is that the regulation applies equally to single fathers living with a woman.

Second, the "willingness or ability of the second adult to support" is irrelevant to the determination of eligibility for family benefits. Family benefits provide assistance only to certain defined categories of people, namely, blind, disabled, and permanently unemployable persons, foster and handicapped children, single women aged 60 to 64, and single parents. Accordingly, when the ministry becomes aware that a second adult is in the home of a recipient, the ministry must determine the status of the second adult (e.g., boarder, renter, visitor), in order to determine ongoing eligibility for assistance as well as to determine the correct amount of the allowance.

The matter of parental and spousal obligations raised in paragraph 3 of the petition is the responsibility of the Ministry of the Attorney General under the Family Law Reform Act and is therefore outside this ministry's mandate.

The ministry disagrees with the position expressed in paragraph 4 of the petition. The intent of income maintenance legislation is quite different from the intent of the Children's Law Reform Act, the Family Law Reform Act, and the Child Welfare Act. The intent of the Family Benefits Act, as well as the General Welfare Assistance Act, is to provide financial assistance on a categorical basis to persons in need. This assistance is provided from the very day eligibility is established. For single parents, this can mean the day the "spouse" moves out of the home. By responding to need on a timely basis, the interests of children are served. In addition,

the interests of children are recognized in the determination of the amount of the allowance.

Also, at least one child must be under the care of a single parent in order for that parent to qualify for FBA at all. Thus, the wellbeing of children is a prime consideration of the ministry's income maintenance legislation.

With regard to the last paragraph of the petition, the ministry believes that a special "investigation and review" of its related policy in this matter is unnecessary. The ministry monitors compliance with its policy and procedural guidelines on an ongoing basis. As previously stated, these guidelines provide all recipients with "fair, unbiased, and nondiscriminatory" treatment both in determining eligibility for family benefits assistance and in reviewing cases which come before the ministry for reassessment."

### INFLATION RESTRAINT ACT

Sessional paper 127.

**Hon. Miss Stephenson:** Collective agreements negotiations leading to agreements commencing on September 1, 1984, are currently proceeding in accordance with the procedures contained in Bill 100, the School Boards and Teachers' Collective Negotiations Act.

These negotiations are affected by the transitional conditions contained in the Public Sector Prices and Compensation Review Act, 1983, in accordance with which the criterion of a maximum average compensation increase of five per cent in the public sector applies.

The restraint period will terminate in accordance with the terms specified in subsection 1(1) of this act.



## APPENDIX B

## ALPHABETICAL LIST OF MEMBERS\*

(125 members)

Fourth Session, 32nd Parliament

Lieutenant Governor: Hon. J. B. Aird, OC, QC

Speaker: Hon. John M. Turner

Clerk of the House: Roderick Lewis, QC

- 
- Allen, R. (Hamilton West NDP)
- Andrewes, Hon. P. W.**, Minister of Energy (Lincoln PC)
- Ashe, Hon. G. L.**, Minister of Government Services (Durham West PC)
- Baetz, Hon. R. C.**, Minister of Tourism and Recreation (Ottawa West PC)
- Barlow, W. W. (Cambridge PC)
- Bennett, Hon. C. F.**, Minister of Municipal Affairs and Housing (Ottawa South PC)
- Bernier, Hon. L.**, Minister of Northern Affairs (Kenora PC)
- Birch, M. (Scarborough East PC)
- Boudria, D. (Prescott-Russell L)
- Bradley, J. J. (St. Catharines L)
- Brandt, Hon. A. S.**, Minister of the Environment (Sarnia PC)
- Breaugh, M. J. (Oshawa NDP)
- Breithaupt, J. R. (Kitchener L)
- Bryden, M. H. (Beaches-Woodbine NDP)
- Cassidy, M. (Ottawa Centre NDP)
- Charlton, B. A. (Hamilton Mountain NDP)
- Conway, S. G. (Renfrew North L)
- Cooke, D. S. (Windsor-Riverside NDP)
- Copps, S. M. (Hamilton Centre L)
- Cousens, D., Deputy Chairman of the Committees of the Whole House (York Centre PC)
- Cunningham, E. G. (Wentworth North L)
- Cureatz, S. L. (Durham East PC)
- Davis, Hon. W. G.**, Premier (Brampton PC)
- Dean, Hon. G. H.**, Provincial Secretary for Social Development (Wentworth PC)
- Di Santo, O. (Downsview NDP)
- Drea, Hon. F.**, Minister of Community and Social Services (Scarborough Centre PC)
- Eakins, J. F. (Victoria-Haliburton L)
- Eaton, Hon. R. G.**, Minister without Portfolio (Middlesex PC)
- Edighoffer, H. A. (Perth L)
- Elgie, Hon. R. G.**, Minister of Consumer and Commercial Relations (York East PC)
- Elston, M. J. (Huron-Bruce L)
- Epp, H. A. (Waterloo North L)
- Eves, E. L. (Parry Sound PC)
- Fish, Hon. S. A.**, Minister of Citizenship and Culture (St. George PC)
- Foulds, J. F. (Port Arthur NDP)
- Gillies, P. A. (Brantford PC)
- Gordon, J. K. (Sudbury PC)
- Grande, T. (Oakwood NDP)
- Gregory, Hon. M. E. C.**, Minister of Revenue (Mississauga East PC)
- Grossman, Hon. L. S.**, Treasurer of Ontario and Minister of Economics (St. Andrew-St. Patrick PC)
- Haggerty, R. (Erie L)
- Harris, M. D. (Nipissing PC)
- Havrot, E. M. (Timiskaming PC)
- Henderson, L. C. (Lambton PC)
- Hennessy, M. (Fort William PC)
- Hodgson, W. (York North PC)
- Johnson, J. M. (Wellington-Dufferin-Peel PC)
- Johnston, R. F. (Scarborough West NDP)
- Jones, T., Deputy Speaker and Chairman of the Committees of the Whole House (Mississauga North PC)
- Kells, M. C. (Humber PC)
- Kennedy, R. D. (Mississauga South PC)
- Kerr, G. A. (Burlington South PC)
- Kerrio, V. G. (Niagara Falls L)
- Kolyn, A. (Lakeshore PC)
- Lane, J. G. (Algoma-Manitoulin PC)
- Laughren, F. (Nickel Belt NDP)
- Leluk, Hon. N. G.**, Minister of Correctional Services (York West PC)
- Lupusella, A. (Dovercourt NDP)
- Mackenzie, R. W. (Hamilton East NDP)
- MacQuarrie, R. W. (Carleton East PC)
- Mancini, R. (Essex South L)
- Martel, E. W. (Sudbury East NDP)
- McCaffrey, R. B. (Armourdale PC)
- McCague, Hon. G. R.**, Chairman, Management Board of Cabinet (Dufferin-Simcoe PC)
- McClellan, R. A. (Bellwoods NDP)
- McEwen, J. E. (Frontenac-Addington PC)
- McGuigan, J. F. (Kent-Elgin L)
- McKessock, R. (Grey L)
- McLean, A. K. (Simcoe East PC)
- McMurtry, Hon. R. R.**, Attorney General (Eglinton PC)

McNeil, R. K. (Elgin PC)

**Miller, Hon. F. S.**, Minister of Industry and Trade (Muskoka PC)

Miller, G. I. (Haldimand-Norfolk L)

Mitchell, R. C. (Carleton PC)

Newman, B. (Windsor-Walkerville L)

Nixon, R. F. (Brant-Oxford-Norfolk L)

**Norton, Hon. K. C.**, Minister of Health (Kingston and the Islands PC)

O'Neil, H. P. (Quinte L)

Peterson, D. R. (London Centre L)

Philip, E. T. (Etobicoke NDP)

Piché, R. L. (Cochrane North PC)

Pollock, J. (Hastings-Peterborough PC)

**Pope, Hon. A. W.**, Minister of Natural Resources (Cochrane South PC)

Rae, R. K. (York South)

**Ramsay, Hon. R. H.**, Minister of Labour (Sault Ste. Marie PC)

Reed, J. A. (Halton-Burlington L)

Reid, T. P. (Rainy River L-Lab.)

Renwick, J. A. (Riverdale NDP)

Riddell, J. K. (Huron-Middlesex L)

Robinson, A. M. (Scarborough-Ellesmere PC)

Rotenberg, D. (Wilson Heights PC)

Roy, A. J. (Ottawa East L)

Runciman, R. W. (Leeds PC)

Ruprecht, T. (Parkdale L)

Ruston, R. F. (Essex North L)

Samis, G. R. (Cornwall NDP)

Sargent, E. C. (Grey-Bruce L)

Scrivener, M. (St. David PC)

Sheppard, H. N. (Northumberland PC)

Shymko, Y. R. (High Park-Swansea PC)

**Snow, Hon. J. W.**, Minister of Transportation and Communications (Oakville PC)

Spensieri, M. A. (Yorkview L)

**Stephenson, Hon. B. M.**, Minister of Education and Minister of Colleges and Universities (York Mills PC)

**Sterling, Hon. N. W.**, Provincial Secretary for Resources Development (Carleton-Grenville PC)

Stevenson, K. R. (Durham-York PC)

Stokes, J. E. (Lake Nipigon NDP)

Swart, M. L. (Welland-Thorold NDP)

Sweeney, J. (Kitchener-Wilmot L)

**Taylor, Hon. G. W.**, Solicitor General (Simcoe Centre PC)

Taylor, J. A. (Prince Edward-Lennox PC)

**Timbrell, Hon. D. R.**, Minister of Agriculture and Food (Don Mills PC)

Treleaven, R. L. (Oxford PC)

**Turner, Hon. J. M.**, Speaker (Peterborough PC)

Van Horne, R. G. (London North L)

Villeneuve, N. (Stormont, Dundas and Glengarry PC)

**Walker, Hon. G. W.**, Provincial Secretary for Justice (London South PC)

Watson, A. N. (Chatham-Kent PC)

**Welch, Hon. R. S.**, Deputy Premier and Minister responsible for Women's Issues (Brock PC)

**Wells, Hon. T. L.**, Minister of Intergovernmental Affairs (Scarborough North PC)

Wildman, B. (Algoma NDP)

Williams, J. R. (Orillia PC)

Wiseman, D. J. (Lanark PC)

Worton, H. (Wellington South L)

Wrye, W. M. (Windsor-Sandwich L)

Yakabuski, P. J. (Renfrew South PC)

## MEMBERS OF THE EXECUTIVE COUNCIL

Davis, Hon. W. G., Premier and President of the Council

Welch, Hon. R. S., Deputy Premier and Minister responsible for Women's Issues

Wells, Hon. T. L., Minister of Intergovernmental Affairs

Bernier, Hon. L., Minister of Northern Affairs

Snow, Hon. J. W., Minister of Transportation and Communications

Bennett, Hon. C. F., Minister of Municipal Affairs and Housing

Miller, Hon. F. S., Minister of Industry and Trade

Timbrell, Hon. D. R., Minister of Agriculture and Food

Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities

McMurtry, Hon. R. R., Attorney General

Norton, Hon. K. C., Minister of Health

Drea, Hon. F., Minister of Community and Social Services

Grossman, Hon. L., Treasurer of Ontario and Minister of Economics

McCague, Hon. G., Chairman of Management Board of Cabinet and Chairman of Cabinet

Baetz, Hon. R. C., Minister of Tourism and Recreation

Elgie, Hon. R. G., Minister of Consumer and Commercial Relations

Walker, Hon. G. W., Provincial Secretary for Justice

Gregory, Hon. M. E. C., Minister of Revenue

Pope, Hon. A. W., Minister of Natural Resources

Leluk, Hon. N. G., Minister of Correctional Services



Ashe, Hon. G. L., Minister of Government Services  
 Ramsay, Hon. R. H., Minister of Labour  
 Sterling, Hon. N. W., Provincial Secretary for Resources Development  
 Taylor, Hon. G. W., Solicitor General  
 Eaton, Hon. R. G., Minister without Portfolio  
 Andrewes, Hon. P. W., Minister of Energy  
 Brandt, Hon. A. S., Minister of the Environment  
 Dean, Hon. G. H., Provincial Secretary for Social Development  
 Fish, Hon. S. A., Minister of Citizenship and Culture

### PARLIAMENTARY ASSISTANTS

Birch, M. (Scarborough East), assistant to the Premier  
 Cureatz, S. L. (Durham East), assistant to the Solicitor General  
 Eves, E. L. (Parry Sound), assistant to the Minister of Education and the Minister of Colleges and Universities  
 Gillies, P. A. (Brantford), assistant to the Minister of Labour  
 Gordon, J. K. (Sudbury), assistant to the Minister of Community and Social Services  
 Harris, M. D. (Nipissing), assistant to the Minister of the Environment  
 Hennessy, M. (Fort William), assistant to the Minister of Northern Affairs  
 Hodgson, W. (York North), assistant to the Minister of Government Services  
 Kells, M. C. (Humber), assistant to the Minister of Transportation and Communications  
 Kennedy, R. D. (Mississauga South), assistant to the Minister of Intergovernmental Affairs  
 Lane, J. G. (Algoma-Manitoulin), assistant to the Minister of Tourism and Recreation  
 MacQuarrie, R. W. (Carleton East), assistant to the Attorney General  
 McNeil, R. K. (Elgin), assistant to the Minister of Agriculture and Food  
 Mitchell, R. C. (Carleton), assistant to the Minister of Health  
 Piché, R. L. (Cochrane North), assistant to the Minister of Revenue  
 Robinson, A. M. (Scarborough-Ellesmere), assistant to the Minister of Citizenship and Culture  
 Rotenberg, D. (Wilson Heights), assistant to the Minister of Municipal Affairs and Housing  
 Shymko, Y. R. (High Park-Swansea), assistant to the Provincial Secretary for Social Development

Stevenson, K. R. (Durham-York), assistant to the Treasurer of Ontario and Minister of Economics  
 Taylor, J. A. (Prince Edward-Lennox), assistant to the Minister of Industry and Trade  
 Watson, A. N. (Chatham-Kent), assistant to the Minister of Energy  
 Williams, J. R. (Oriole), assistant to the Minister of Consumer and Commercial Relations  
 Yakabuski, P. J. (Renfrew South), assistant to the Minister of Natural Resources

### STANDING COMMITTEES

Administration of justice: chairman, Mr. Kolyn; vice-chairman, Mr. MacQuarrie; members, Messrs. Boudria, Breithaupt, Cureatz, Eves, Mitchell, Renwick, Spensieri, Stevenson, Swart and Williams; clerk, F. Carrozza.

General government: members, Messrs. Epp, Foulds, Gillies, Gordon, Haggerty, Harris, Hennessy, Hodgson, McKessock, McLean, Piché and Samis; clerk, G. White.

Resources development: chairman, Mr. Barlow; vice-chairman, Mr. Villeneuve; members, Messrs. Havrot, Lane, Laughren, McNeil, J. A. Reed, Riddell, Stokes, Sweeney, Villeneuve, Watson and Yakabuski; clerk, D. Arnott.

Social development: members, Mr. Allen, Ms. Copps, Messrs. Henderson, R. F. Johnston, Kells, Kerr, McGuigan, Pollock, Robinson, Shymko, Wiseman and Wrye; clerk, L. Mellor.

Members' services: chairman, Mr. J. M. Johnson; vice-chairman, Mr. Lane; members, Messrs. Charlton, Grande, Elston, Kennedy, G. I. Miller, Rotenberg, Runciman, Ruprecht, Shymko and Wiseman; clerk, A. Richardson.

Procedural affairs: chairman, Mr. Treleaven; vice-chairman, Mr. Watson; members, Messrs. Breaugh, Cassidy, Cureatz, Edighoffer, Epp, Kells, Mancini, McNeil, Rotenberg and Villeneuve; clerk, S. Forsyth.

Public accounts: chairman, Mr. T. P. Reid; vice-chairman, Mr. Eves; members, Messrs. Bradley, Cunningham, Havrot, Kennedy, Kolyn, Philip, Sargent, Mrs. Scrivener, Messrs. Taylor and Wildman; clerk, F. Carrozza.

Regulations and other statutory instruments: chairman, Mr. Sheppard; vice-chairman, Mr. Gillies; members, Messrs. Cousens, Di Santo, Hennessy, Hodgson, Kerrio, Lupusella, McEwen, Piché, Robinson and Van Horne; clerk, A. Richardson.

### SELECT COMMITTEE

Ombudsman: chairman, Mr. Runciman; vice-chairman, Mr. Van Horne; members, Messrs.

Breithaupt, Di Santo, Eakins, Hennessy, Hodgson, MacQuarrie, Mitchell, Philip, Piché and Shymko; clerk, G. White; associate clerk, D. Arnott.

\*The lists in this appendix, brought up to date as necessary, are published in Hansard on the first Friday of each month and in the first and last issues of each session.

ERRATUM

No.	Page	Column	Line	Should read:
64	2258	2	17	the case. Only six to eight per cent of all reported crime is violent



## CONTENTS

**Wednesday, June 27, 1984**

### Statement by the ministry

Ramsay, Hon. R. H., Minister of Labour:

**Safety standards in mining industry** ..... 2929

### Oral questions

Andrewes, Hon. P. W., Minister of Energy:

**Consolidated hearings process**, Mr. Charlton, Mr. McKessock. .... 2937

Bennett, Hon. C. F., Minister of Municipal Affairs and Housing:

**Housing rebates**, Mr. G. I. Miller ..... 2941

Brandt, Hon. A. S., Minister of the Environment:

**PCB destruction facilities**, Mr. Elston ..... 2942

Davis, Hon. W. G., Premier:

**Tabling of information**, Mr. Conway ..... 2938

Elgie, Hon. R. G., Minister of Consumer and Commercial Relations:

**Pension reform**, Mr. Mackenzie ..... 2935

Grossman, Hon. L. S., Treasurer and Minister of Economics:

**Youth employment**, Mr. Peterson ..... 2933

Pope, Hon. A. W., Minister of Natural Resources:

**Unemployment**, Mr. Martel ..... 2939

Ramsay, Hon. R. H., Minister of Labour:

**Visible minorities**, Mr. Peterson ..... 2936

**CUPE labour dispute**, Mr. Hennessy ..... 2938

**Viceroy labour dispute**, Mr. Mackenzie ..... 2941

Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities:

**French education legislation**, Mr. Cassidy, Mr. Boudria ..... 2934

**Roman Catholic secondary schools**, Mr. Bradley ..... 2939

**Retraining programs**, Mr. Allen, Mr. Bradley ..... 2940

Wells, Hon. T. L., Minister of Intergovernmental Affairs:

**Legislative program**, Mr. Peterson, Mr. Riddell, Mr. Martel, Mr. Wrye ..... 2931

### Petitions

**Independent schools**, Mr. Watson, tabled. .... 2942

**Sale of beer and wine**, Mr. Boudria, tabled ..... 2942

### Motion

**Summer recess**, Mr. Wells, Mr. Nixon, Mr. Martel, Mr. Riddell, agreed to. .... 2943

### First readings

**Education Amendment Act**, Bill 119, Miss Stephenson, Mr. Boudria, Mr. Cassidy, Mr. Piché, agreed to ..... 2950

**Municipal Amendment Act**, Bill 120, Mr. Cureatz, agreed to ..... 2955

**Ministry of Health Amendment Act**, Bill 121, Ms. Copps, agreed to. .... 2955

**Beds of Navigable Waters Amendment Act**, Bill 124, Mr. Haggerty, agreed to ..... 2955

**Government motions**

<b>Committee schedule</b> , resolution 9, Mr. Wells, agreed to . . . . .	2956
<b>Committee membership</b> , resolution 10, Mr. Wells, agreed to . . . . .	2956

**Third readings**

<b>Employment Standards Amendment Act</b> , Bill 62, Mr. Ramsay, agreed to . . . . .	2956
<b>Executive Council Amendment Act</b> , Bill 84, Mr. Wells, agreed to . . . . .	2956
<b>Legislative Assembly Amendment Act</b> , Bill 85, Mr. Wells, agreed to . . . . .	2956
<b>Barrie-Vespra Annexation Act</b> , Bill 142, Mr. Bennett, Mr. Breaugh, Mr. Rotenberg, Mr. Riddell, Mr. Epp, agreed to . . . . .	2956

**Royal assent**

The Honourable the Lieutenant Governor . . . . .	2965
--	------

**Other business**

<b>Visitor</b> , Mr. Speaker . . . . .	2930
<b>Human rights</b> , Mr. R. F. Johnston . . . . .	2930
<b>French education legislation</b> , Mr. Boudria, Mr. Cassidy . . . . .	2931
<b>Unemployment</b> , Mr. Riddell . . . . .	2942
<b>Summer employment</b> , Mr. Bradley . . . . .	2943
<b>Tribute to member</b> , Mr. Conway, Mr. Wells, Mr. McClellan . . . . .	2955
<b>Adjournment</b> . . . . .	2966
<b>Erratum</b> . . . . .	2974

**Appendix A****Answers to questions in Orders and Notices**

Drea, Hon. F., Minister of Community and Social Services:	
<b>Social Assistance Review Board</b> , question 414, Mr. R. F. Johnston . . . . .	2968
McCague, Hon. G. R., Chairman, Management Board of Cabinet:	
<b>Administration expenditures</b> , questions 419 to 503, Mr. Philip . . . . .	2968
<b>Administration expenditures</b> , questions 505 to 507, Mr. Swart . . . . .	2969
Norton, Hon. K. C., Minister of Health:	
<b>Medical transportation</b> , question 411, Mr. Foulds . . . . .	2967
Snow, Hon. J. W., Minister of Transportation and Communications:	
<b>Cost of publication</b> , question 415, Ms. Copps . . . . .	2968
Timbrell, Hon. D. R., Minister of Agriculture and Food:	
<b>Ault Foods</b> , question 413, Mr. Riddell . . . . .	2967
Welch, Hon. R. S., Deputy Premier and Minister responsible for Women's Issues:	
<b>Status of rural women</b> , question 408, Ms. Copps . . . . .	2967
<b>Interim answers</b> , questions 295 to 299, 334, 416 to 418 and 504 . . . . .	2967

**Responses to petitions**

Drea, Hon. F., Minister of Community and Social Services:	
<b>Family benefits assistance</b> , sessional paper 122 . . . . .	2969
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities:	
<b>Inflation Restraint Act</b> , sessional paper 127 . . . . .	2970

**Appendix B**

Alphabetical list of members of the Legislature of Ontario, members of the executive council, parliamentary assistants and members of committees . . . . .	2971
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**SPEAKERS IN THIS ISSUE**

Allen, R. (Hamilton West NDP)  
Andrewes, Hon. P. W., Minister of Energy (Lincoln PC)  
Barlow, W. W. (Cambridge PC)  
Bennett, Hon. C. F., Minister of Municipal Affairs and Housing (Ottawa South PC)  
Boudria, D. (Prescott-Russell L)  
Bradley, J. J. (St. Catharines L)  
Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)  
Cassidy, M. (Ottawa Centre NDP)  
Charlton, B. A. (Hamilton Mountain NDP)  
Conway, S. G. (Renfrew North L)  
Copps, S. M. (Hamilton Centre L)  
Cureatz, S. L., (Durham East PC)  
Davis, Hon. W. G., Premier (Brampton PC)  
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)  
Elston, M. J. (Huron-Bruce L)  
Epp, H. A. (Waterloo North L)  
Gillies, P. A. (Brantford PC)  
Gregory, Hon. M. E. C., Minister of Revenue (Mississauga East PC)  
Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Hennessy, M. (Fort William PC)  
Hodgson, W. (York North PC)  
Johnston, R. F. (Scarborough West NDP)  
Jones, T., Deputy Speaker and Chairman (Mississauga North PC)  
Mackenzie, R. W. (Hamilton East NDP)  
Martel, E. W. (Sudbury East NDP)  
McClellan, R. A. (Bellwoods NDP)  
McKessock, R. (Grey L)  
Miller, G. I. (Haldimand-Norfolk L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Peterson, D. R. (London Centre L)  
Piché, R. L. (Cochrane North PC)  
Pope, Hon. A. W., Minister of Natural Resources (Cochrane South PC)  
Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)  
Riddell, J. K. (Huron-Middlesex L)  
Rotenberg, D. (Wilson Heights PC)  
Spensieri, M. A. (Yorkview L)  
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities (York Mills PC)  
Turner, Hon. J. M., Speaker (Peterborough PC)  
Watson, A. N. (Chatham-Kent PC)  
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)  
Wrye, W. M. (Windsor-Sandwich L)





















